

INDEX

TO THE

MISCELLANEOUS DOCUMENTS

OF THE

HOUSE OF REPRESENTATIVES

FOR THE

FIRST SESSION OF THE FORTY-FIFTH CONGRESS.

IN FIVE VOLUMES.

Volume 1—Nos. 1 to 20 inclusive, except
Nos. 6, 7, 8, 10, 11, 16.

Volume 2—Nos. 6 and 7.

Volume 3—Nos. 8 and 11.

Volume 4—No. 10.

Volume 5—No. 16.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1877.

INDEX

TO

THE MISCELLANEOUS DOCUMENTS

OF

THE HOUSE OF REPRESENTATIVES

FOR THE

FIRST SESSION OF THE FORTY-FIFTH CONGRESS, 1877.

Subject.	Vol.	No.	Part.
A.			
Acklen, J. H., <i>vs.</i> C. B. Darrall. Papers in the case of.....	1	5	1
Acklen, J. H., <i>vs.</i> C. B. Darrall. Papers in the case of.....	1	5	2
Appropriations, new offices, &c. Statement showing.	1	20	
C.			
		9	
Chinese immigration. Address of the Senate of California on.....	1	14	.....
Choctaw claims, memorial of the Choctaw Nation.....	1		.....
Committees, standing and select, of the Forty-fifth Congress, first session.	1	3	.....
Congress. List of the members of the first session of the Forty-fifth..	1	1	.....
Congress. Standing and select committees of the Forty-fifth.....	1	3	.....
Contested election. Papers in the case of Wigginton <i>vs.</i> Pacheco.....	1	2	1
Contested election. Papers in the case of Wigginton <i>vs.</i> Pacheco	1	2	2
Contested election. Papers in the case of Patterson <i>vs.</i> Belford	1	4	.....
Contested election. Papers in the case of Acklen <i>vs.</i> Darrall.....	1	5	1
Contested election. Papers in the case of Acklen <i>vs.</i> Darrall.....	1	5	2
Contested election. Papers in the case of Dean <i>vs.</i> Field.....	2	6	.....
Contested election. Papers in the case of Richardson <i>vs.</i> Rainey	2	7	.....
Contested election. Papers in the case of Haralson <i>vs.</i> Shelley.....	3	8	.....
Contested election. Papers in the case of Finley <i>vs.</i> Bisbee	4	10	.....
Contested election. Papers in the case of Tillman <i>vs.</i> Smalls.....	3	11	.....
Contested election. Papers in the case of Nutting <i>vs.</i> Reilly.....	5	16	.....
D.			
Dean, Benjamin, <i>vs.</i> Walbridge A. Field. Papers in the case of.....	2	6	.....
F.			
Finley, Jesse J., <i>vs.</i> Horatio Bisbee, jr. Papers in the case of	4	10	.....
G.			
Goloid coin	1	17	.....
H.			
Haralson <i>vs.</i> Shelley. Papers in the case of	3	8	.....
House of Representatives. List of members of the first session of the Forty-fifth Congress.....	1	1	.....
House of Representatives. List of standing and select committees of the, first session of the Forty-fifth Congress.....	1	3	.....
Hubbell, William Wheeler. Memorial from, relative to goloid coin...	1	17	.....

Subject.	Vol.	No.	Part.
I.			
Indians. Memorial of the Choctaw Nation of.....	1	14	.....
Indian Territory. Organization of the.....	1	18	.....
International Exhibition at Paris. Letter from the Secretary of State relative to the	1	12	.....
M.			
Mexican awards. Letter from the Secretary of State relative to.....	1	13	.....
N.			
National Board of Trade. Petition of the, in regard to the navigation laws.....	1	15	.....
Navigation laws. Petition of the National Board of Trade in regard to the	1	15	.....
Nutting <i>vs.</i> Reilly. Papers in the case of.....	5	16	.....
P.			
Pacheco, R., <i>vs.</i> P. D. Wigginton. Papers in the contested-election case of, fourth Congressional district of California.....	1	2	.....
Patterson, Thomas M., <i>vs.</i> James B. Belford. Papers in the contested- election case of, State of Colorado.....	1	4	.....
R.			
Richardson, John S., <i>vs.</i> Joseph H. Rainey. Papers in the case of.....	2	7	.....
S.			
Secretary of State. Letter from the, relative to the French exhibition to be held in Paris in 1878	1	12	.....
Secretary of State. Letter from the, relative to the payment of the awards under the convention of July 4, 1868, between the United States and Mexico.....	1	13	.....
Subcontract for carrying the mails. Resolution relating to	1	19	.....
T.			
Tillman <i>vs.</i> Smalls. Papers in the case of	3	11	.....
W.			
Wigginton <i>vs.</i> Pacheco. Papers in the case of.....	1	2	.....

DEAN vs. FIELD.
THIRD DISTRICT, MASSACHUSETTS.

P A P E R S

IN THE CASE OF

BENJAMIN DEAN vs. WALBRIDGE A. FIELD.

OCTOBER 31, 1877.—Ordered to be printed.

To Walbridge A. Field, esq., of Boston, in the county of Suffolk and
commonwealth of Massachusetts:

I, Benjamin Dean, of Boston aforesaid, hereby give you notice that I intend to contest your election to the House of Representatives in the Forty-fifth Congress of the United States, you having been declared elected as a member of said House of Representatives from the third congressional district in said commonwealth at the election holden on the 7th day of November last past, and I hereby specify the following grounds on which I shall rely in such contest:

First. I aver that I received a majority of all the votes cast in said third district, on said 7th day of November last past, for member of Congress in the Forty-fifth Congress from said third congressional district.

Secondly. I aver that the judge of the circuit court of the United States for the circuit wherein said third congressional district is situated, immediately preceding said election, duly and legally appointed two legally qualified citizens to act as supervisors of election in each and every voting-precinct in said district; that said supervisors of election were lawfully qualified to act as said supervisors of election; that on said 7th day of November the said supervisors of election attended at the time and places of holding said election, and did and performed all the acts required by law to be by them done and performed upon said 7th day of November; and that, among other things, said supervisors counted and scrutinized all the votes cast for member of Congress in each and every voting-precinct in said third district, and made certificates and returns of all said votes to the chief supervisor of the judicial district wherein said third district is situated in the manner and form prescribed and required by law; and that it appears from said certificates and returns that I received a majority of all the votes cast for member of Congress for said third congressional district on said 7th day of November.

Thirdly. I aver that in each and every ward and voting-precinct the officers appointed under and by virtue of the laws of the commonwealth of Massachusetts for the purpose of conducting the election for Repre-

sentative to Congress in said third congressional district attended at the time and places of holding said election, and conducted said election and counted all the votes cast for Representative to Congress in said third district, and in the manner and form required by law declared the result of the said count in open ward-meeting in each and every said ward or voting-precinct; that the said result was, in the manner and form required by law, entered by the clerks in each and every said ward or voting-precinct in the ward-records of said ward or voting-precinct; that certified copies of said records were, in the manner and form required by law, by said clerks delivered to the city clerk of the city of Boston, wherein were situated all of said wards or voting-precincts; that it appears from the said counts of all the votes cast for Representative to Congress in said third district, as declared publicly in open ward-meeting and recorded and transmitted as aforesaid to said city clerk of the city of Boston, that I received a majority of all the votes cast for Representative in Congress for said third congressional district at the aforesaid election.

Fourthly. I aver that in the voting-precinct in said third congressional district known as ward 18, twenty-five votes were cast for Walbridge A. Field, for member of Congress for the fourth district, and that the said twenty-five votes were improperly and illegally counted for you for member of Congress for said third district.

I further aver that said copies of the said ward-records, transmitted by the clerks of said wards to the city clerk of the city of Boston, were by said city clerk entered in the records of the city of Boston, and that thereafter, and upon direction of the board of aldermen of said city, the said city clerk changed and falsified the said city records so that they no longer contained true copies of the records of said wards, and no longer contained a true record of the number of votes cast for me or for you at said election in said third district; that said change and falsification was made as aforesaid in order that said city records should conform to the result of a count of ballots pretended to be the same ballots cast at said election in said third congressional district for Representative to Congress, which said count was made by three members of said board of aldermen, secretly and in private, and not in the presence of the public. I further aver that said last-named count was made without notification to me or to the supervisors of election appointed as hereinbefore set forth. And that said supervisors of election were not permitted to be present, and were not present at said recount of said ballots, and had no opportunity given them to be present; that the ballots counted by the said aldermen were not the identical ballots cast at said election, but that some of the ballots cast at said election, to wit, fifty, were and had become altered and changed before they were counted by said aldermen; and that said count made by the said aldermen did not show the true number of votes cast for me and for you at said election for member of Congress in and for said third district.

I further aver that thus the copies of the records of said city relating to the election for member in Congress for said third district at said election, and by said city clerk of said city transmitted to the secretary of the commonwealth of Massachusetts, and by said secretary laid before the governor and council of said commonwealth, they being the legal board of canvassers for said third district, whereby it appeared that you received a plurality of votes cast for member in Congress in and for said third district, did not set forth the true number of votes cast for you and for me, respectively, in and for said third district.

I further aver that the said records of the city of Boston were inten-

tionally and purposely changed and falsified by the direction of the board of aldermen of said city of Boston, for the purpose of showing an apparent plurality of votes for you, in order that a certificate of election might be issued to you by the said governor and council.

BENJ. DEAN.

BOSTON, December 27, 1876.

Received copy of the within notice this day.

W. A. FIELD.

The answer of Walbridge A. Field to the petition of Benjamin Dean, contestant.

1. And now comes the said respondent, Walbridge A. Field, and to the first specification of said Dean's petition says that he denies that said Dean received a majority of all the votes cast in said third district on said 7th day of November for member of Congress; and avers that there were cast for him, said Field, in said district, for member of Congress, 9,324 ballots, and for said Dean 9,315 ballots, and no more, giving said Field a majority of nine votes.

2. As to the second specification of said Dean's petition, said respondent says that he is not aware what proceedings were had for the appointment of supervisors in the third congressional district, and he therefore must deny the allegations of the petition in this respect, and leaves the petitioner to prove the matters averred in this respect, in said specification, and leaves him to prove that the proceedings in this respect were lawful and regular as therein set forth; but he denies that the supervisors appointed by the judge of said circuit court, if any such were legally appointed, did personally scrutinize, count, and canvass each ballot cast in each and every voting-precinct in said district for member of Congress, and denies that they made certificate and return of all said votes to the chief supervisor as alleged, and says that such supervisors did not personally scrutinize, count, and canvass each ballot cast in each voting-precinct in said district for member of Congress, and did not make certificate and return of each vote so cast to the said chief supervisor, and did not place themselves in such position as to enable them fully to perform their duties in personally scrutinizing, counting, and canvassing each ballot cast as aforesaid, and did not remain until every duty in respect to such canvass, certificates, and returns had been wholly completed; and upon information and belief this respondent says that said supervisors were principally occupied with scrutinizing the depositing of ballots in the ballot-boxes of the different voting-precincts, and that they did not themselves count or verify the counting of the ballots cast for member of Congress as aforesaid.

This respondent is ignorant whether any person designated as chief supervisor directed and required said supervisors to certify and return the number of ballots cast for member of Congress in said third district, and for whom cast; and is also ignorant what returns, if any, such supervisors made to said chief supervisor, and is also ignorant whether it appears from any such certificates and returns that said Dean received a majority of the votes cast for member of Congress for said third district; and therefore must deny these allegations, and says that, if it does so appear, such returns and certificates are inaccurate and do not conform to the fact. And this respondent says that it is provided by

the laws of Massachusetts that "the votes in elections for national, State, county, and district officers shall be received, sorted, and counted by the selectmen and by ward officers;" that he is informed and believes that the votes in the several wards in the third district (which district is made up of wards of the city of Boston) were so received, sorted, and counted by the several ward officers, the said count being subject to the recount by the board of aldermen as hereinafter set forth, and known to all persons, including the ward officers and supervisors of said various wards, to be subject to said recount.

And this respondent further says that the election in the several wards in said third district passed off quietly, without disturbance or conflict of any kind. And this respondent avers that the count of the ward officers is one made by them at the close of a fatiguing day, in a crowded room, under a pressure and anxiety on the part of the voters to hear the result proclaimed, and anxiety on the part of the ward officers to make the earliest return to the city clerk, and is therefore inevitably subject to inaccuracies, and as a matter of experience very frequently found so, it being known to all parties that it is subject to an accurate recount by the board of aldermen or their committee, which recount was made according to law, and by which it appeared that this respondent was elected member of Congress for said district.

3. In respect to the third specification, this respondent admits that the several ward officers attended at the various wards and received, sorted, and counted the votes received for member of Congress according to law, but he is not aware what entries were made in their records; and he admits that returns were made to the city clerk, the said city clerk being the proper officer to receive said returns; and he avers that it is provided by the laws of the commonwealth of Massachusetts that in all elections in cities, whether the same shall be for United States, State, county, city, or ward officers, it shall be the duty of the warden, or other presiding officer, to cause all ballots which shall have been given in by the qualified voters of the ward in which such election has been held, and after the same shall have been sorted, counted, declared, and recorded, to be secured in an envelope, in open ward meeting, and sealed with a seal provided for the purpose; and that the warden, clerk, and a majority of the inspectors of the several wards shall indorse upon the envelope for what officers, and in what ward, the ballots have been received, the date of the election, and their certificate that all the ballots given in by the voters of the ward, and none other, are contained in said envelope; that the warden or other presiding officer shall forthwith transmit the ballots, sealed as aforesaid, to the city clerk, by the constable in attendance at such election, or by one of the ward officers other than the clerk, and the clerk shall retain the custody of the seal.

And this respondent further says that it is further provided by the laws of the commonwealth of Massachusetts that the clerk of each city shall receive the envelopes containing the ballots thrown, sealed as hereinbefore set forth, and shall retain them in his care until the requirements of the act of which the foregoing is a provision, or of any act which may be passed in amendment thereof, have been complied with; and that it is further provided by the same act that if, within three days next following the day of any election, ten or more qualified voters of any ward shall file with the city clerk a statement in writing that they have reason to believe that the returns of the ward officers are erroneous, specifying wherein they deem them in error, said city clerk shall forthwith transmit such statement to the board of aldermen, or the committee thereof appointed to examine the returns of said election; that

the board of aldermen, or their committee, shall thereupon, and within five days, Sunday excepted, next following the day of the election, open the envelope and examine the ballots thrown in said ward, and determine the questions raised; that they shall then again seal the envelope either with the seal of the city or a seal provided for the purpose, and shall indorse upon said envelope a certificate that the same has been opened and again sealed by them in conformity to law, and the envelope, sealed as aforesaid, shall be returned to the city clerk; that said city clerk, upon the certificate of the board of aldermen or their committee, shall alter and amend such of the ward returns as have been proved to be erroneous, and such amended returns shall stand as the true returns of the ward; that the board of aldermen shall not declare the result of an election until the time specified in the preceding section for filing a request for a recount of ballots shall have expired, or, in case of such request having been made, until the said ballots have been examined and the returns amended, if found erroneous, any provision in the charter of any city, or in any act in amendment thereof, to the contrary notwithstanding.

This respondent further avers that in the several wards of the city of Boston, composing the said third congressional district, which were wards 13, 14, 15, 16, 17, 18, 19, 20, 21, and 24, the wardens or other presiding officers did, on said seventh day of November, cause all ballots which had been given in by the qualified voters in said several wards to be secured in envelopes in open ward meeting, and sealed with seals provided for that purpose according to law; that thereupon the warden, clerk, and a majority of the inspectors of each ward did in the several wards indorse upon the envelopes for what offices and in what ward the ballots had been received, the date of the election, and their certificate that all the ballots given in by the voters of said several wards and none other were contained in said several envelopes; that the wardens or other presiding officers did thereupon severally transmit said ballots, in envelopes sealed as aforesaid, by constables attending upon said election, to the city clerk, the several clerks of the several wards each retaining custody of the several seals, and all things required by law were done, and were done according to law.

And this respondent avers that from each ward in the said third congressional district the returns of the election, together with the ballots cast, inclosed in an envelope sealed with the ward seal, were, immediately upon this count by the ward officers on the afternoon of the day of the election, carried by the constable attending the election in each ward, and at once delivered to the city clerk of the city of Boston, and remained in his custody and his office, the seals of the envelopes remaining unbroken. And this respondent avers that within three days of the said election for each one of the several wards constituting the third congressional district, statements in writing were filed in the office of the city clerk by ten and more qualified voters of each ward, declaring that they had reason to believe that the returns of the ward officers for member of Congress in each ward, respectively, in the said congressional district were erroneous, in that all the ballots cast for Walbridge A. Field for member of Congress were not counted and credited to him, and that more ballots were credited to Benjamin Dean, as member of Congress, than were cast for him, and praying for a recount of said votes under the law hereinbefore recited; that the board of aldermen of the city of Boston appointed a committee of three of its members to examine the returns of votes cast at said election, (the said committee consisting of two members of the democratic party and one member of the

republican party;) that the said committee, within five days next following the day of election, assembled, all its members being present; that the several returns of the said ward officers and the several sealed envelopes aforesaid, containing the ballots cast as aforesaid, were brought directly from the custody of the city clerk into the committee-room, all the ward seals remaining unbroken, and said committee proceeded to break the seals and to recount said ballots; that the envelopes containing the ballots of the several wards were taken up in turn, each individual member of the committee counting over each ballot and comparing and verifying their count, so that it was in fact three counts, and that they all agreed in the result thereof; and that thereupon said committee did make a unanimous report to the board of aldermen showing the errors in the original counts, a copy of which report is hereto annexed, marked "A," together with a copy of the table showing the vote as returned by the ward officers, and also as found by the committee, and submitted as a part of their report, marked "B," which report was accepted by said board of aldermen, and is made part thereof; that said committee thereupon again sealed said several envelopes with the seal of the city, and indorsed upon each envelope a certificate that the same had been opened by them and again sealed in conformity to law, and returned said envelopes, sealed as aforesaid, to the city clerk; that upon the report of said committee being received by the board of aldermen, and by them duly considered, the said board of aldermen, acting under the law hereinbefore recited, passed the following resolve and order:

CITY OF BOSTON.

[In board of aldermen, November 13, 1876.]

Resolved, That in the opinion of this board the twenty-five ballots cast in the eighteenth ward of this city, on the seventh instant, for Walbridge A. Field, of Boston, for member of Congress from the fourth district, were intended for Walbridge A. Field, of Boston, who was nominated and voted for as member of Congress for the third district; it is therefore

Ordered, That in the certificate to be sent to the secretary of the commonwealth the number of ballots for Mr. Field be returned as follows: Walbridge A. Field, of Boston, had ninety-three hundred and twenty, twenty-five of which were headed Ward XVIII, and read as follows: "For Representative to Congress, fourth district, Walbridge A. Field, of Boston."

Passed.

(Signed)

S. F. McCLEARY,
City Clerk.

In board of aldermen, November 15, 1876.

And this respondent avers that thereupon said city clerk did alter and amend said ward-returns in accordance with the said report of said committee accepted by said board of aldermen, and the said resolve and order of said board, upon the certificate of said committee and board, and in accordance therewith, and entered the same on the city records, and did also enter said resolve and order upon the city records and transmit to the secretary of the commonwealth a copy of the records of said votes, attested by said clerk, certified by said mayor and aldermen, and sealed up according to law, a copy of which is hereto annexed and made part hereof, marked "C," which truly shows the summation of said ward-

returns as amended as aforesaid, which amendments conformed to the facts found as aforesaid by said committee and board of aldermen.

And this respondent avers that the ward-returns, as amended as aforesaid, are the true returns of said ward, and that the copy transmitted to the secretary as aforesaid is a true copy of the correct record and return of said votes; that the said amendments were legally and properly made in obedience to the requirements of the law of the commonwealth of Massachusetts, and that the ballots were cast for the persons for the offices and to the number expressed in said amended returns; that the ballots containing the words "fourth district" were properly counted for this respondent, and were of the form hereto annexed, marked "D," and that the ballots cast for William A. Field, and also for Field, were cast for him and intended for him and should be counted for him, and that he was duly elected member of Congress for said third district.

And this respondent further says that it is provided by the laws of said commonwealth that the city clerks shall within ten days from the day of an election for Representative to Congress transmit copies of the records of the votes, attested by them, certified by the mayor and aldermen, and sealed up, to the secretary of the commonwealth; and that the secretary, upon receiving said returned copies, shall transmit them as received, with their seals unbroken, to the governor and council, and that the governor with five at least of his council shall examine them, and he shall issue his summons to such person as appears to be chosen member of Congress, and he shall forthwith transmit a certificate of such choice, signed by the governor and countersigned by the secretary. And this respondent avers that the city clerk of the city of Boston, within ten days of said election, transmitted copies of the records of the votes for member of Congress in the third district, attested, certified, and sealed up according to law, as herein before set forth, to the secretary of the commonwealth, and the secretary on receiving them transmitted the same, as received, to the governor and council with their seals unbroken, and the governor with five at least of the council examined them, and it appeared therefrom that this respondent, Walbridge A. Field, of Boston, was chosen member of Congress for said third district, and a certificate of such choice was transmitted to him, the said Walbridge A. Field, signed by the governor and countersigned by the secretary; and this respondent says that he has been duly elected member of Congress for said third district according to law, and the fact that he has been so elected has been determined according to law.

4. In answer to the petitioner's fourth specification, the respondent says: That he denies that in ward 18, twenty-five votes were cast for Walbridge A. Field for member of Congress for the fourth congressional district, but he avers that there were cast in said ward twenty-five ballots which were headed "Ward 18," and contained in all respects whatever the offices to be legally voted for by the voters of this ward, national, State, and county; that said ballots contained the following words, "For Representative to Congress, Fourth District, Walbridge A. Field of Boston," a copy of which ballot is hereto annexed, marked "D." And this respondent avers that the use of the word "fourth" was occasioned by a blunder of the printer; that said Walbridge A. Field was the nominee of the republican party in the third congressional district, and was an inhabitant thereof; that there was no other Walbridge A. Field, of Boston, than the respondent, and that there was no Walbridge A. Field who was a candidate for Congress from the fourth district, all of which were well-known facts; that said ballots were deposited by

voters in ward 18 in said third district, entitled to vote therein, desiring and intending to vote for this respondent, the republican candidate for member of Congress from that district; and, believing they were so doing, and the intention of these voters to vote for him, said Walbridge A. Field, for member of Congress in the district in which they voted, is clearly indicated by said ballots; that "Member of Congress, Fourth District," is not the designation of the office for which voters were warned by law to bring in their votes, as appears by a copy of the warrant to ward 18, hereto annexed, marked "E," but that the word "fourth," and the words "fourth district," are an erroneous and immaterial addition resulting from a blunder of the printer, corrected as soon as discovered, and are to be rejected as surplusage, and that this respondent is entitled to be credited with these twenty-five ballots, it being provided by the statutes of Massachusetts that "In counting the votes at an election no returns shall be rejected when the votes given for each candidate can be ascertained."

In answer to the further averments of said petition, the respondent denies that any falsification of the records of the city of Boston was made by the clerk of the city of Boston, and avers that the amendments made by him in said record were in obedience to the order and certificate of the board of aldermen and its committee, acting in pursuance of the laws of Massachusetts; that they were legally, honestly, and fairly made, and were conformable to the facts, and that said amended returns set forth the true and correct number of votes cast for each candidate for member of Congress as aforesaid; that the meeting of the committee of the board of aldermen was held in the ordinary committee-room of the city hall, and that their duties were legally and fairly performed by said committee, all the members of the committee being present, there being upon it two democrats and one republican, and each member carefully counting every ballot and comparing the result; that the filing of the petitions of the ten legal voters of each of the wards and recount of votes were matters of common notoriety in the city of Boston, and well known to said Dean, and to the supervisors of elections appointed by said judge of said circuit court; that said Dean did not request that said supervisors should be present, nor did said supervisors make any such request, nor did he request to be present himself.

And this respondent is informed and believes that it was no part of the duty of said supervisors to attend said recount, and that they had no right to attend the same, but avers that if it was discretionary for them to do so they did not exercise this discretion, and the said respondent should not suffer because they did not so exercise it; that all the proceedings were conducted honestly, fairly, and legally; that the recount was made immediately after the election; that the ballots counted were the identical ballots cast and none other, the seals placed upon the boxes being those of the wards, remaining unbroken until opened by said committee; and that the returns transmitted by the city clerk to the secretary of the commonwealth exhibited the true number of votes cast for each candidate for member of Congress, and that none of the ballots cast for the member of Congress, as aforesaid, had, at the time of said recount, become altered and changed as alleged. This respondent denies that the records of the city of Boston were intentionally and purposely changed and falsified by direction of the board of aldermen, for the purpose of showing an apparent plurality of votes for this respondent, and in order that a certificate of election might be issued to him,

as alleged, but says that they were amended to conform to the facts and according to law, as has been herein before set forth.

WALBRIDGE A. FIELD.

BOSTON, *January 24, 1877.*

Received copy of the within answer this day.

BENJ. DEAN.

A.

CITY OF BOSTON,
In Board of Aldermen, November 13, 1876.

The committee appointed to examine the returns of votes cast on the seventh instant in this city, beg leave to report:

That they received applications in the usual form from ten or more legal voters from each ward comprising the third congressional district, asking for a recount of the original ballot cast for a member of Congress in that district. They accordingly attended to that duty, and report the results as set forth in the table hereto annexed, from which it will appear that there were for

Benjamin Dean	9,315 ballots.
Walbridge A. Field	9,295 ballots.
Walbridge A. Field for member of Congress for the fourth district	25 ballots.
Wm. A. Field	1 ballot.
—— Field	3 ballots.

The twenty-five ballots were cast in the eighteenth ward, and the number of the district was printed on the ballots. The committee judge that error was made in printing the ballots, and they believe it was the intention of the voters who deposited these ballots to vote for Walbridge A. Field, who was a resident of the third district, and who was the regularly-nominated candidate of one of the great parties for Congress.

It is proper to state that all the ballots were examined and counted by each member of the committee separately, who all arrived at the same result.

Acting under the advice of the city solicitor, who had grave doubts as to the right of the committee to credit such ballots to Mr. Field, the committee, without recommending any course to pursue, submit the facts and the whole subject to the judgment and decision of the board.

S. B. STEBBINS,
HUGH O'BRIEN,
CLINTON VILES,
Committee.

NOVEMBER 15, 1876.—Accepted.

S. F. McCLEARY,
City Clerk.

B.

Third congressional district.

	Ward returns.										Totals.
	13	14	15	16	17	18	19	20	21	24	
Benjamin Dean.....	1, 495	1, 076	855	896	802	579	1, 126	1, 038	547	895	9, 308
Walbridge A. Field	219	939	753	621	1, 131	1, 410	614	897	1, 331	1, 361	9, 276
Walbridge A. Field, (4th dist.)						25					25
A. Field							1				1
— Field							1				1
Samuel D. Smith									1		1
	Official count.										Totals.
	13	14	15	16	17	18	19	20	21	24	
Benjamin Dean.....	1, 497	1, 100	855	889	803	573	1, 125	1, 035	545	893	9, 315
Walbridge A. Field	225	950	751	625	1, 131	1, 413	614	891	1, 333	1, 362	9, 295
Walbridge A. Field, (4th dist.)						25					25
Wm. A. Field.....				1							1
— Field							3				3
Leopold Morse				1							1
Rufus S. Frost.....				2		1					3
Francis M. Weld								1			1

C.

COMMONWEALTH OF MASSACHUSETTS.

At a legal meeting of the inhabitants of the city of Boston, in the county of Suffolk, qualified, as by the constitution required, to vote for civil officers, holden on the Tuesday next after the first Monday in November, being the seventh day of said month, in the year one thousand eight hundred and seventy-six, for the purpose of giving in their votes for a member of the Forty-fifth Congress for the third district of the commonwealth, all the ballots given therefor were sorted, counted, and recorded, and declaration thereof made, as by the constitution is directed, and having been duly certified to the board of aldermen of said city, were found to be as follows:

Walbridge A. Field, of Boston, nine thousand three hundred and twenty; twenty-five of which were headed ward 18 and read as follows: "For Representative to Congress, fourth district, Walbridge A. Field, of Boston."

Benjamin Dean, of Boston, nine thousand three hundred and fifteen.

William A. Field, one.

— Field, three.

Leopold Morse, one.

Rufus S. Frost, three.

Francis M. Weld, one.

S. B. STEBBINS,
HUGH O'BRIEN,
CLINTON VILES,
H. O. BIGELOW,
GEO. T. SAMPSON,
THOS. J. WHIDDEN,
CHOATE BURNHAM,
Aldermen of the City of Boston.

Attest :

S. F. McCLEARY,
City Clerk.

COMMONWEALTH OF MASSACHUSETTS,
Secretary's Department.

A true copy of the original return received in this department.
Witness the seal of the commonwealth.

[SEAL.] (Signed)

HENRY B. PEIRCE,
Secretary.

D.

WARD XVIII.

REPUBLICAN PRESIDENTIAL TICKET.

For President.—Rutherford B. Hayes.

For Vice-President.—William A. Wheeler.

For presidential electors.—At large: Thomas Talbot, of Billerica; Stephen Salisbury, of Worcester. By districts: 1. Warren Ladd, of New Bedford; 2. Theodore Dean, of Taunton; 3. J. Felt Osgood, of Boston; 4. Martin Brimmer, of Boston; 5. Sam'l C. Lawrence, of Medford; 6. George W. Morrill, of Amesbury; 7. Carroll D. Wright, of Reading; 8. James Russell Lowell, of Cambridge; 9. John C. Whitin, of Northbridge; 10. W. B. C. Pearsons, of Holyoke; 11. Richard Goodman, of Lenox.

For Representative to Congress, fourth district.—Walbridge A. Field, of Boston.

PROHIBITORY AND EQUAL-RIGHTS TICKET.

For governor.—John I. Baker, of Beverly.

For lieutenant-governor.—Daniel C. Eddy, of Boston.

For secretary of state.—David B. Gurney, of South Abington.

For auditor.—Jonathan H. Orne, of Marblehead.

For councilor for fourth district.—Henry D. Cushing, of Boston.

For clerk of supreme judicial court.—John Noble, of Boston.

For clerk of superior criminal court.—John P. Manning, of Boston.

For treasurer and receiver-general.—David N. Skillings, of Winchester.

For attorney-general.—Orin T. Gray, of Hyde Park.

For senator, sixth Suffolk district.—Alden Avery, of Boston.

For clerk of superior civil court.—Joseph A. Willard, of Boston.

For registrar of deeds.—Thomas F. Temple, of Boston.

Representatives to general court from sixteenth Suffolk district.—Edward M. Horton, James B. Berry.

E.

CITY OF BOSTON, ss :

To either of the constables of the city of Boston, greeting :

In the name of the commonwealth of Massachusetts, you are required forthwith to warn the inhabitants of ward No. 18, qualified as the law directs, to assemble at their ward-room, Concord street, on Tuesday, the 7th day of November next, being the Tuesday after the first Monday in said month, at 8 o'clock a. m., then and there to give in their votes for thirteen electors of President and Vice-President of the United States, each ballot for such electors to contain the name of at least one inhabitant of each congressional district of this commonwealth; also

contestant in the above case, by his counsel, S. A. B. Abbott and Charles T. Levering, esquires, and Walbridge A. Field, the said incumbent, by his counsel, William G. Russell and J. Lewis Stackpole, esquires. That the original notice of contest served by said contestant on said incumbent, with acceptance of service indorsed thereon by the said incumbent, and the original answer of said incumbent thereto, having been produced and prefixed to the testimony herein, said contestant thereupon produced in evidence the following papers and exhibits, which were admitted by said incumbent without objection as to matter of form, and annexed hereto, to wit:

An agreement between said contestant and said incumbent to take testimony herein before Winslow Warren, esq., United States commissioner, marked "W. W.—A."

A certified copy of the secretary of state for the commonwealth of Massachusetts of the original return of votes for a member of the Forty-fifth Congress for the third district of the commonwealth of Massachusetts, on file in department of said secretary of state, marked "W. W.—B."

A certified copy of the clerk of the United States circuit court for the district of Massachusetts of the record of the appointment of Henry L. Hallett, esq., United States commissioner, as chief supervisor of elections of the judicial district of Massachusetts, marked "W. W.—C."

A certified copy of the clerk of the United States circuit court for the district of Massachusetts of the record of the appointment of supervisors of election from each and all of the wards of the city of Boston for the election held November 7, 1876, marked "W. W.—D."

Certificate of Henry L. Hallett, chief supervisor of election for the district of Massachusetts, of the qualification of supervisors for the several wards of the city of Boston, and of the several returns made by said supervisors for wards 13, 14, 15, 16, 17, 18, 19, 20, 21, and 24, in said city, marked "W. W.—E."

A certified copy of S. F. McCleary, city clerk of the city of Boston, of the warrant for the election on November 7, 1876, issued for ward 18 in said city, and a certificate by said McCleary of the issuing of a warrant similar in form in each of the several wards comprising the third congressional district of Massachusetts, marked "W. W.—F."

A certified copy of S. F. McCleary, city clerk of the city of Boston, of the original returns of votes for member of the Forty-fifth Congress from wards 13, 14, 15, 16, 17, 18, 19, 20, 21, and 24 in said city, marked respectively "W. W.—G," "W. W.—H," "W. W.—I," "W. W.—J," "W. W.—K," "W. W.—L," "W. W.—M," "W. W.—N," "W. W.—O," and "W. W.—P."

An attested copy of S. F. McCleary, city clerk for the city of Boston, of the petition of qualified voters of ward 13, in the third congressional district of Massachusetts, for a recount of the votes for member of Congress in said ward at the election November 7, 1876, and a certificate of said clerk of petitions in the same form from wards 14, 15, 16, 17, 18, 19, 20, 21, and 24, marked "W. W.—Q."

A certified copy of S. F. McCleary, city clerk for the city of Boston, of the records of the board of aldermen of said city, relating to proceedings on the subject of the election of member of Congress for the third congressional district at the election November 7, 1876, and a copy by said McCleary of record of return of votes for such member of Congress as declared by said board of aldermen November 15, 1876, marked "W. W.—R."

A certified copy of S. F. McCleary, city clerk for the city of Boston,

of the original table of ward-returns on file in the office of said city clerk, and referred to in the report of the committee of the board of aldermen appointed to examine the returns of votes for a member of Congress from the third Massachusetts district, marked "W. W.—S."

An agreement between said contestant and said incumbent as to genuineness and contents of certificates of S. F. McCleary and Henry L. Hallett, marked "W. W.—T."

And thereupon the hearing in said case was adjourned to the third day of March, A. D. 1877, and thence from day to day until the twenty-second day of March, 1877, when the examination of the deponents on behalf of Walbridge A. Field, the incumbent, was commenced and continued by adjournment from day to day until the fourteenth day of April, 1877, inclusive, when the time given under the law of the United States to the incumbent, to wit, the term of forty days, wherein he might put in testimony on his own behalf, expired. That said incumbent within said time produced the following witnesses, whose depositions are hereto annexed, to wit: Samuel F. McCleary, Solomon B. Stebbins, Clinton Niles, M. F. Dickinson, jr., Charles C. Roberts, A. A. Miner, Hugh O'Brien, Seth Whittier, James B. Berry, Alden Avery, Edward M. Westcott, Nicholas W. McGue, Frank W. Goodwin, Alban S. Green, Charles B. Hunting, Benjamin Kimball, John Albree, Albert Thayer, John W. Palfrey, John C. Cook, George A. Fisher.

That thereupon the hearing was further adjourned, and continued from day to day, until the twenty-fourth day of April, 1877, inclusive, when the time given under the law of the United States to the contestant, to wit, the term of ten days, wherein he might put in testimony in rebuttal on his own behalf, expired. That said contestant, within said term of ten days, produced the following witnesses in rebuttal, whose depositions are hereto annexed, to wit: Thomas Leavitt, Daniel P. Sullivan, Hugh O'Brien, Patrick M. Denon, Herman Bisbee, William Swinson, John A. Furey, John F. Daly, Crosby F. Woodman, Abraham J. Lamb, Thomas McC. Babson, William H. Thames.

That the witnesses hereinbefore mentioned, produced by the incumbent and contestant, respectively, personally appeared before me, at my office, No. 42 Court street, in the city of Boston, with the exception of Samuel F. M. Cleary, who appeared before me at the city hall, in said Boston, by adjournment thence, and they being first severally cautioned and sworn to speak the truth, the whole truth, and nothing but the truth, in the matter of said contested election, gave the foregoing depositions, by them respectively subscribed; that the said depositions were reduced to writing by me in the presence of said witnesses and of the agents and counsel of said parties; and said depositions, having been carefully read over to said deponents, were by them respectively subscribed and attested in my presence.

That the contestant, Benjamin Dean, was present at the examination of all said deponents, by his agents and counsel, S. A. B. Abbott, esq., and Charles T. Lovering, esq., and the incumbent, Walbridge A. Field, was present by his agents and counsel, William G. Russell, esq., and J. Lewis Stackpole, esq. That also annexed hereto are the following documents, exhibits, or papers, referred to and described in the depositions herewith, or annexed by agreement of counsel for the respective parties, to wit:

ANNEXED TO DEPOSITIONS TAKEN BY INCUMBENT.

Paper marked "W. W.—A¹," being an agreement as to the transmission, sealing, &c., of the envelopes containing the votes of the several wards in the third congressional district.

Paper marked "W. W.—B¹," being waiver of five days' notice of testimony to be taken in rebuttal.

Vote marked "W. W.—D¹," being regular democratic ticket for ward 18, and first referred to in cross-interrogatory 39 of deposition of Clinton Viles.

Vote marked "W. W.—D²," being regular republican ticket for ward 18, and first referred to in cross-interrogatory 39 of deposition of Clinton Viles.

Vote marked "W. W.—D³," being republican prohibitory ticket for ward 18, containing the words, "For Representative to Congress, fourth district, Walbridge A. Field," and first produced in interrogatory 7 of deposition of Charles C. Roberts.

Vote marked "W. W.—D⁴," being republican presidential ticket for ward 8, and first produced in interrogatory 8 of deposition of Charles C. Roberts.

Paper marked "W. W.—D⁵," being "copy" for printing ballots, ward 18, and first produced in answer to interrogatory 10, deposition of Charles C. Roberts.

Papers marked "W. W.—D⁶" and "W. W.—D⁷," being "copy" for ballots for ward 18 and proof for ballots for ward 17, pinned together, and first produced in answer to interrogatory 10, deposition of Charles C. Roberts.

Vote marked "W. W.—D⁸," being republican prohibitory ticket for ward 17 as corrected, first produced in answer to interrogatory 11, deposition of Charles C. Roberts.

Vote marked "W. W.—D⁹," being democratic prohibitory ticket for ward 18, first produced in answer to interrogatory 3, deposition of Alden Avery.

Paper marked "W. W.—K¹¹," being blank copy of certificate upon envelopes containing ballots, first produced in answer to interrogatory 7, deposition of S. F. McCleary.

Papers marked "W. W.—K¹" to "W. W.—K¹⁰," inclusive, being copies of certificates upon envelopes containing ballots, first produced in answer to interrogatory 7, deposition of S. F. McCleary.

Paper marked "W. W.—L¹," being copy of certificate of committee of board of aldermen of date of November 11, 1876, upon envelope containing ballots for ward 18, first produced in answer to interrogatory 9, deposition of S. F. McCleary.

Papers marked "W. W.—M¹" and "W. W.—M²," being copies of certificates of committee of board of aldermen of date November 14, 1876, upon envelopes containing ballots for wards 13 and 14, respectively, first produced in answer to interrogatory 10, deposition of S. F. McCleary.

Paper marked "W. W.—N¹," being record made by S. B. Stebbins at the time of recounting votes for third congressional district, first produced in answer to cross-interrogatory 89, deposition of S. B. Stebbins.

Papers marked "W. W.—O²," and "W. W.—P²," being copies of report, and schedule accompanying, presented by the committee to the board of aldermen, first produced in answer to interrogatory 20, deposition of S. B. Stebbins.

Papers marked "W. W.—R¹" to "W. W.—R⁸," inclusive, being parts of record made by Hugh O'Brien at the time of recounting votes for third congressional district, first produced in answer to cross-interrogatory 12, deposition of Hugh O'Brien, for incumbent.

Paper marked "W. W.—R⁹," being agreement between the parties as to producing witnesses, exceptions, &c., to evidence, and mode of return to Washington.

■ Paper marked "W. W.—S¹," being agreement as to proper transmission, &c., of exhibit marked "W. W.—B" of contestant's evidence, the return to the secretary of state, &c.

Paper marked "W. W.—T¹," being agreement that book marked "W. W.—T²," annexed, may be used in evidence by both parties.

Book marked "W. W.—T²," being "a compilation of the laws in force relating to elections" in Massachusetts.

Paper marked "W. W.—U¹," being copy of proceedings of governor and council in relation to the election of member of Forty-fifth Congress for the third district of Massachusetts.

Paper marked "W. W.—V¹," being copy of governor's certificate of election of member of the Forty-fifth Congress for the third district, and produced in evidence by incumbent before the closing of his depositions.

Paper marked "W. W.—X¹," being copy of notice of Benjamin Dean of intention to contest the election of Walbridge A. Field for member of Forty-fifth Congress, and produced in evidence by incumbent before the closing of his depositions.

ANNEXED TO DEPOSITIONS TAKEN BY CONTESTANT.

Paper marked "Exhibit W. W.—1," being memorandum of Patrick M. Denon of ballots cast in ward 16, November 7, 1876, and first produced in answer to cross-interrogatory 1, deposition of Patrick M. Denon.

Papers marked "W. W.—2" to "W. W.—6½," inclusive, being reports of committee on elections of Massachusetts house of representatives, and first produced in answer to interrogatory 10, deposition of Thomas McC. Babson.

Paper marked "W. W.—7," being copy of opinion of city solicitor of Lynn, and first produced in answer to interrogatory 11, deposition of Thomas McC. Babson.

Papers marked "W. W.—8" to "W. W.—18," inclusive, and "W. W.—11½," being reports of committee on elections upon contested cases in Massachusetts legislature, and a certificate thereon, produced in evidence by contestant at close of deposition of Thomas McC. Babson.

Paper marked "W. W.—19," being printed report of proceedings of board of aldermen, November 13, 1876, and first produced in answer to interrogatory 11, deposition of Hugh O'Brien on behalf of contestant.

Paper marked "W. W.—20," being copy of notice to city clerk of Boston, by Walbridge A. Field, to retain ballots and voting-lists in safe custody, produced in evidence before closing of deposition of contestant in rebuttal.

Paper marked "W. W.—21," being an agreement as to political views of members of board of aldermen of Boston, produced in evidence before the closing of depositions of contestant in rebuttal.

All said depositions, exhibits, and papers above referred to on behalf of both contestant and incumbent are duly marked, and boxed in box marked by me "Winslow Warren, U. S. commissioner."

And I do further certify that the fees of the aforementioned witnesses on behalf of Benjamin Dean, the contestant, amount to the sum of \$10 95
And that the fees of the aforesaid witnesses on behalf of Walbridge A. Field, the incumbent, amount to the sum of 22 35

Amounting in all to 33 30

And I do further certify that on the 24th day of April, 1877, upon the day of the expiration of the ten days allowed by law to the contest-

ant to take his evidence in rebuttal, the said incumbent, by his counsel, William G. Russell, esq., and J. Lewis Stackpole, esq., gave notice to the contestant, by service of written notice upon his counsel, S. A. B. Abbott, esq., that he would proceed to take further evidence on behalf of the incumbent, namely, the depositions of Benjamin E. Cole and John Albree, upon Friday, the 27th day of April, 1877, at ten o'clock a. m., before Winslow Warren, U. S. commissioner; and the depositions of said witnesses were then and there taken on behalf of said incumbent, the said contestant not appearing, either himself or by his counsel. And the said depositions, with the certificate and the notice referred to affixed, having been taken after the time fixed by law had expired, are not forwarded by me with the depositions and papers above referred to, but are forwarded in a separate package addressed to the Clerk of the House of Representatives, at Washington, and sealed up by me, and indorsed on the envelope as depositions taken on behalf of incumbent in the case above referred to, in rebuttal of contestant's witness in rebuttal, Daniel P. Sullivan.

And I further certify that the envelopes containing the ballots for the ten wards composing the third congressional district of Massachusetts, referred to in the 6th interrogatory and answer of the deposition of Samuel F. McCleary, a witness on behalf of incumbent, Walbridge A. Field, and marked by me from W. W.—A to W. W.—J, inclusive, are forwarded by me in a box separate from the above depositions and exhibits, entitled with the name of the contested case herein, and addressed to the Clerk of the House of Representatives, Washington, D. C., to be used in evidence on part of said incumbent.

In witness whereof I have hereto set my hand and seal this — day of —, A. D. 1877.

[SEAL.]

WINSLOW WARREN,
*Commissioner of United States Circuit Court
for District of Massachusetts.*

UNITED STATES OF AMERICA,
Third Congressional District of Massachusetts :

In the matter of the contested election for Representative to the Forty-fifth Congress.

BENJAMIN DEAN, CONTESTANT, }
vs. }
WALBRIDGE A. FIELD, INCUMBENT. }

Exhibits, papers, and agreements produced in evidence and offered on behalf of Benjamin Dean, contestant.

WINSLOW WARREN,
United States Commissioner.

W. W.—A.

In the matter of the contested election case between Benjamin Dean and Walbridge A. Field, arising out of the election of Representative to the Forty-fifth Congress, from the third congressional district of Massachusetts, held on the 7th day of November, A. D. 1876, it is agreed

that testimony therein may be taken before Winslow Warren, esq., United States commissioner, on twenty-four hours' notice, without proof of his official character, such proof being hereby waived. It is further agreed that the said Dean may begin the taking of testimony in his behalf at 2 o'clock in the afternoon, on Friday, March 2, 1877. Five days' summons to witnesses of said Field also waives.

Boston, March 1, 1877.

BENJAMIN DEAN,
By his attorneys, ABBOTT & LOVERING.
WALBRIDGE A. FIELD,
By his attorneys, W. G. RUSSELL,
J. L. STACKPOLE.

W. W.—B.

COMMONWEALTH OF MASSACHUSETTS:

At a legal meeting of the inhabitants of the city of Boston, in the county of Suffolk, qualified, as by the constitution required, to vote for civil officers, holden on the Tuesday next after the first Monday in November, being the seventh day of said month, in the year one thousand eight hundred and seventy-six, for the purpose of giving in their votes for a member of the Forty-fifth Congress for the third district of the commonwealth, all the ballots given in therefor were sorted, counted, and recorded, and declaration thereof made, as by the constitution is directed, and having been duly certified to the board of aldermen of said city, were found to be as follows:

Walbridge A. Field, of Boston, nine thousand three hundred and twenty; twenty-five of which were headed Ward XVIII, and read as follows: "For Representative to Congress, fourth district, Walbridge A. Field, of Boston."

Benjamin Dean, of Boston, nine thousand three hundred and fifteen.
William A. Field, one.

Field, three.

Leopold Morse, one.

Rufus S. Frost, three.

Francis M. Weld, one.

S. B. STEBBINS,
HUGH O'BRIEN,
CLINTON VILES,
A. O. BIGELOW,
GEO. T. SAMPSON,
THOS. J. WHIDDEN,
CHOATE BURNHAM,
Aldermen of the City of Boston.

Attest:

S. F. McCLEARY, *City Clerk.*

COMMONWEALTH OF MASSACHUSETTS,
Secretary's Department, Boston, February 14, 1877.

A true copy of the original return on file in this department. Witness the seal of the commonwealth.

[SEAL.]

HENRY B. PEIRCE.

Secretary.

W. W.—C.

Circuit court of the United States.

MASSACHUSETTS DISTRICT, ss:

At a circuit court of the United States for the first circuit, begun and holden at Boston, within and for the district of Massachusetts, on Monday, the sixteenth day of October, in the year of our Lord one thousand eight hundred and seventy-one, (the fifteenth day of said October happening on a Sunday.)

Before the honorable George F. Shepley, circuit judge.

* * * * *

March 23, 1872. Henry L. Hallett, esq., appointed chief supervisor of elections. (See order on file.)

* * * * *

A true record.—Attest:

JOHN G. STETSON, *Clerk.*

To the circuit court of the United States for the first circuit, district of Massachusetts:

In accordance with the provisions of the thirteenth section of the act of Congress of the United States, approved February 28th, 1871, entitled "An act to amend an act approved May thirty-one, eighteen hundred and seventy, entitled 'An act to enforce the rights of citizens of the United States to vote in the several States of this Union and for other purposes,'" I, George F. Shepley, judge of the circuit court of the United States for the first judicial circuit, recommend that Henry L. Hallett, esquire, one of the commissioners of said circuit court for the district of Massachusetts, be named and appointed by said circuit court the chief supervisor of elections of the judicial district of Massachusetts, to be subject to the duties and obligations imposed upon such officer by said act approved February 28th, 1871, and to be entitled to the fees and emoluments appertaining to said office.

G. F. SHEPLEY,
U. S. Circuit Judge First Judicial Circuit.

UNITED STATES OF AMERICA:

Circuit court of the United States, district of Massachusetts, Oct. T., 1871, to wit: March 23d, 1872.

Upon the recommendation in writing of the honorable George F. Shepley, U. S. circuit judge first judicial circuit, Henry L. Hallett, esquire, one of the commissioners of this court, is hereby named and appointed chief supervisor of elections of the judicial district of Massachusetts, and he is hereby required to discharge the duties and obligations imposed upon such officer by the act of Congress approved February 28th, 1871, entitled "An act to amend an act approved May thirty-one, eighteen hundred and seventy, entitled 'An act to enforce the rights of citizens of the United States to vote in the several States of this Union, and for other purposes.'"

By the court:

JOHN G. STETSON, *Clerk.*

UNITED STATES OF AMERICA,
Massachusetts District, ss:

I, John G. Stetson, clerk of the circuit court of the United States for the first circuit and district of Massachusetts, certify that the foregoing are true copies respectively of the record in relation to the appointment of chief supervisor of elections for the judicial district of Massachusetts, the recommendation of the Hon. George F. Shepley, U. S. circuit judge, for the appointment of Henry L. Hallett, esq., U. S. commissioner, as such chief supervisor, and of the order appointing him as such chief supervisor, entered on the twenty-third day of March, A. D. 1872, now remaining on file in said circuit court.

Witness my hand and the seal of said circuit court, at Boston, in said district, this twenty-fourth day of February, A. D. 1877.

[SEAL.]

JOHN G. STETSON, *Clerk*,

W. W.—D.

UNITED STATES OF AMERICA,
Massachusetts District, ss:

At a circuit court of the United States for the first circuit; begun and holden at Boston, within and for the district of Massachusetts, on Monday, the sixteenth day of October, in the year of our Lord one thousand eight hundred and seventy-six, the fifteenth day of said October happening on a Sunday.

Before the honorable George F. Shepley, circuit judge.

* * * * *

1876, Oct. 24.—Petition of four citizens of the city of Boston, for appointment of supervisors of election, presented.

Petition filed and referred to Henry L. Hallett, chief supervisor of elections.

Nov. 1.—Henry L. Hallett, chief supervisor of elections, reports to the court the names of certain persons for appointment as supervisors of election for the different election-districts and voting-precincts in the city of Boston, at the election to be held on the seventh day of November, A. D. 1876. Report filed.

Nov. 2.—It is ordered by the court, the honorable George F. Shepley, circuit judge, sitting, that the persons whose names are presented by the chief supervisor be appointed supervisors of election for the several election-districts and voting-precincts in the city of Boston, and thereupon said persons are duly commissioned, as follows:

From the republican party.

- | | |
|------|-----------------------|
| Ward | 1.—Willard S. Allen. |
| " | 2.—Edward Robbins. |
| " | 3.—William Hitchborn. |
| " | 4.—Joseph W. Hill. |
| " | 5.—Abram E. Cutter. |
| " | 6.—Gideon Haynes. |
| " | 7.—H. Burr Crandall. |
| " | 8.—G. H. W. Bates. |
| " | 9.—Clark Gifford. |
| " | 10.—Albus R. Cushing. |

- Ward 11.—Nahum M. Morrison.
 “ 12.—William K. Jones.
 “ 13.—Frank Hanscom.
 “ 14.—William S. Crosby.
 “ 15.—Joseph Osgood.
 “ 16.—John F. Daley.
 “ 17.—James Cutler.
 “ 18.—William Swinson.
 “ 19.—Henry C. Pickering.
 “ 20.—Julius M. Swain.
 “ 21.—Samuel T. Cobb.
 “ 22.—Isaac P. Gragg.
 “ 23.—George N. Bliss.
 “ 24.—Charles B. Fox.
 “ 25.—Benjamin H. Champney.

From the democratic party.

- Ward 1.—Jeremiah Harrigan.
 “ 2.—John H. Duane.
 “ 3.—Philip F. Shaw.
 “ 4.—George Flanigan.
 “ 5.—John H. Dee.
 “ 6.—John J. Murphy.
 “ 7.—Edward O'Donnell.
 “ 8.—Artemas R. Holden.
 “ 9.—Peter J. Hughes.
 “ 10.—Eugene M'Carthy.
 “ 11.—S. A. B. Abbott.
 “ 12.—Daniel A. McCarthy.
 “ 13.—John J. Connolly.
 “ 14.—Patrick F. Ready.
 “ 15.—Michael P. McCarthy.
 “ 16.—Abram J. Lamb.
 “ 17.—Henry Doherty.
 “ 18.—Daniel P. Sullivan.
 “ 19.—Thomas Riley.
 “ 20.—George W. Adams.
 “ 21.—Matthew R. Walsh.
 “ 22.—William H. Carberry.
 “ 23.—Patrick J. Flatley.
 “ 24.—John J. Coffey.
 “ 25.—George W. Warren.

Commissions issued to each of the above-named persons.

Nov. 4.—Henry L. Hallett, chief supervisor, makes a report to the court submitting the name of John McNamara to be appointed supervisor of elections for ward 4, of the city of Boston, in place of John J. Connolly. Report filed.

John McNamara, of the democratic party, is duly appointed supervisor of elections for ward 4, of the city of Boston, in place of John J. Connolly, who, as it is made to appear to the court, has declined to act.

Commission to John McNamara issued. -

It being made to appear to the court that Jeremiah J. Murphy was the person intended to have been recommended by the chief supervisor as the supervisor of elections for ward 6 of the city of Boston, the

Commission heretofore issued to John J. Murphy is revoked, and Jeremiah J. Murphy, of the democratic party, is appointed supervisor of elections for said ward 6 of the city of Boston.

Commission to Jeremiah J. Murphy issued.

* * * * *

Nov. 6.—Henry L. Hallett, chief supervisor, makes a report to the court, representing that William K. Jones, duly appointed to act as a republican supervisor for ward 12 of the city of Boston, has declined to act, and nominating George W. Roafe in his place.

George W. Roafe, of the republican party, is duly appointed supervisor of elections for ward 12 of the city of Boston.

Commission issued.

Nov. 6.—It being made to appear to the court that S. A. B. Abbott, of the democratic party, declines to act as supervisor of elections for ward 11 of the city of Boston, the commission heretofore issued to him is revoked, and James P. Clifford, of the democratic party, on the recommendation of Henry L. Hallett, chief supervisor, is appointed supervisor of elections for said ward 11.

Commission to James P. Clifford issued.

Nov. 6.—Henry L. Hallett, chief supervisor of elections, submits to the court a copy of "instructions to supervisors," issued by him September 4, 1876, with a copy of the instructions issued by the United States marshal for this district, November 6, 1876, thereto annexed.

Nov. 6.—Copy of instructions, &c., submitted as above filed.

* * * * *

A true record. Attest:

JOHN G. STETSON,
Clerk.

UNITED STATES OF AMERICA,
District of Massachusetts :

I, John G. Stetson, clerk of the circuit court of the United States for the district of Massachusetts, in the first circuit, certify that the foregoing is a true copy of the orders of court, &c., relating to the appointment, &c., of supervisors of election for the several election-districts and voting-precincts of the city of Boston for the election held November 7, 1876; and I further certify that the papers hereto annexed are true copies of the several papers referred to in said orders of court, &c., namely: Paper marked "A.—J. G. S., clerk," is a true copy of the petition of four citizens of the city of Boston, presented and filed October 24, 1876; paper marked "B.—J. G. S., clerk," is a true copy of the report of Henry L. Hallett, chief supervisor, filed November 1, 1876; paper marked "C.—J. G. S., clerk," is a true copy of the commission issued to Willard S. Allen, November 2, 1876; paper marked "D.—J. G. S., clerk," is a true copy of report of Henry L. Hallett, chief supervisor, filed November 4, 1876; paper marked "E.—J. G. S., clerk," is a true copy of report of Henry L. Hallett, chief supervisor, filed November 6, 1876; and paper marked "F.—J. G. S., clerk," is a true copy of the instructions to supervisors, &c., submitted by Henry L. Hallett, chief supervisor, and filed November 6, 1876. I further certify that each of the commissions issued to the several supervisors of elections, and referred to in said orders of court, &c., was the same, mutatis mutandis, as the said papers marked "C.—J. G. S., clerk."

Witness my hand and seal of said court, at Boston, in said district, this 3d day of February, A. D. 1877.

[SEAL.]

JOHN G. STETSON,
Clerk.

A.—J. G. S., *Clerk.*BOSTON, *October 23, 1876.*

To the honorable judge of the United States circuit court for the State
of Massachusetts:

DEAR SIR: The undersigned citizens of Boston respectfully represent that they desire the election for Representatives to Congress from this city at the ensuing election may be guarded and scrutinized agreeably to the provisions of an act passed by Congress. And they ask that supervisors from each ward may be appointed for that purpose, to serve on election-day, November 7, 1876.

ANDREW HALL.
FRANKLIN WILLIAMS.
GEO. W. BAIL.
C. H. LEACH.

B.—J. G. S., *Clerk.*

To the Hon. George F. Shepley, U. S. circuit judge, first jud. circuit:

In pursuance of the provisions of section 13 of the act of Congress approved Feb. 28, 1871, I present to your honor the names of the following applicants for appointment as supervisors of election under said act for the different voting-places in the city of Boston.

The list of applicants from the republican party I have shown to John E. Fitzgerald, esq., the vice-president of the democratic ward and city committee, and he assents to their fitness.

The list of applicants from the democratic party I have presented to Andrew Hall, esq., president of the republican ward and city committee, and he assents to their fitness.

Republican applicants.

- | | |
|------|--|
| Ward | 1.—Willard S. Allen. |
| " | 2.—Edward Robbins. |
| " | 3.—William Hichborn. |
| " | 4.—Joseph W. Hill. |
| " | 5.—Abram E. Cutter. |
| " | 6.—Gideon Haynes. |
| " | 7.—H. Burr Crandall. |
| " | 8.—G. H. W. Bates. |
| " | 9.—Clark Gifford. |
| " | 10.—Albus R. Cushing. |
| " | 11.—Nahum M. Morrison. |
| " | 12.—William K. Jones; George W. Roafe, Nov. 6, 1876. |
| " | 13.—Frank Hanscom. |
| " | 14.—William S. Crosby. |
| " | 15.—Joseph Osgood. |
| " | 16.—John F. Daley. |
| " | 17.—James Cutter. |
| " | 18.—William Swinson. |
| " | 19.—Henry C. Pickering. |
| " | 20.—Julius M. Swain. |
| " | 21.—Samuel T. Cobb. |
| " | 22.—Isaac P. Gragg. |

- Ward 23.—George N. Bliss.
 “ 24.—Charles B. Fox.
 “ 25.—Benjamin H. Champney.

Democratic applicants.

- Ward 1.—Jeremiah Harrigan.
 “ 2.—John H. Duane.
 “ 3.—Philip F. Shaw, 26 Main st.
 “ 4.—George Flanigan, 371 Bunker Hill st.
 “ 5.—John H. Dee.
 “ 6.—John J. Murphy, Snowhill st.; Jeremiah J. Murphy, Nov. 4, '76.
 “ 7.—Edward O'Donnell, 40 Stellman st.
 “ 8.—Artemas R. Holden.
 “ 9.—Peter J. Hughes.
 “ 10.—Eugene McCarthy, 14 Harrison av.
 “ 11.—S. A. B. Abbott, 42 Court st.; Nov. 6, James P. Clifford.
 “ 12.—Daniel A. McCarthy.
 “ 13.—John J. Connolly; Nov. 4, 1876, John McNamara.
 “ 14.—Patrick F. Ready.
 “ 15.—Michael P. McCarthy.
 “ 16.—Abraham J. Lamb.
 “ 17.—Henry Doherty.
 “ 18.—Daniel P. Sullivan.
 “ 19.—Thomas Riley, 15 Lincoln Park.
 “ 20.—George W. Adams.
 “ 21.—Matthew R. Walsh.
 “ 22.—William H. Carberry.
 “ 23.—Patrick J. Flatley.
 “ 24.—John J. Coffey.
 “ 25.—George W. Warren.

HENRY L. HALLETT,
Chief Supervisor of Elections, Dist. of Mass.

—
 C.—J. G. S., *Clerk.*

UNITED STATES OF AMERICA,
First Judicial Circuit, District of Massachusetts :

Whereas, pursuant to the provisions of the laws of the United States, it has been made known, in writing, to the judge of the circuit court of the United States, for the first judicial circuit, by two citizens of the city of Boston, a city of more than twenty thousand inhabitants, in said circuit, that it is their desire to have the election to be held in said city on the seventh day of November, one thousand eight hundred and seventy-six, at which Representatives in Congress are to be chosen, and the registration prior to and for said election guarded and scrutinized;

And whereas, upon such application being so made, it is the duty of said judge of the circuit to open the said circuit court;

And whereas it is then required that the said circuit court shall proceed to appoint and commission for each election-district or voting-precinct in any city which shall have so applied therefor, two citizens, residents of said city, to perform the duties designated by the laws of the

United States, and who shall be known and designated as supervisors of election :

Now, therefore, be it known to all men that the circuit court of the United States for the district of Massachusetts, in the first judicial circuit, has designated and appointed, and hereby designates and appoints, Willard S. Allen one of such persons in and for the election-district and voting-precinct known as ward one, in said city of Boston, to exercise, discharge, and perform the duties, powers, and obligations imposed, authorized, prescribed, and conferred by the laws of the United States.

G. F. SHEPLEY,
U. S. Circuit Judge, First Judicial Circuit.

Signed by the honorable George F. Shepley, judge of the circuit court of the United States for the first judicial circuit, and sealed with the seal of the said circuit court for the district of Massachusetts, this second day of November, A. D. 1876.

[SEAL.]

JOHN G. STETSON,
Clerk U. S. Circuit Court, Mass. Dist.

D.—J. G. S., *Clerk.*

To Hon. Geo. F. Shepley, U. S. circuit judge, first jud. circuit :

William K. Jones, duly appointed to act as republican supervisor for ward 12, having declined to act, I would nominate in his place George W. Roafe.

HENRY L. HALLETT,
Chief Supervisor.

E.—J. G. S., *Clerk.*

To the Hon. Geo. F. Shepley, U. S. circuit judge, first jud. circuit :

John J. Connolly having declined to qualify as supervisor for ward 13 in the city of Boston, I submit to your honor the name of John McNamara, democrat, for that position ; his appointment is approved by Franklin Williams, secretary of republican committee.

HENRY L. HALLETT,
Chief Supervisor, Mass. Dist.

F.—J. G. S., *Clerk.*

Instructions to supervisors.

OFFICE OF CHIEF SUPERVISOR OF ELECTIONS,
MASSACHUSETTS DISTRICT,
Boston, November 4, 1876.

In compliance with the provisions of the several acts of Congress, the following instructions are issued to supervisors of election, appointed under the laws of the United States with reference to the election to be held on Tuesday, November 7, A. D. 1876 :

Supervisors of election are authorized and required to attend the places of election in the respective wards to which they have been appointed, and to perform the following duties :

1. To challenge any vote offered by any person whose legal qualifications the supervisors, or either of them, may doubt.

2. To be and to remain where the ballot-boxes are kept at all times after the polls are open until each and every vote cast at said time and place shall be counted, the canvass of all votes polled be wholly completed, and the proper and requisite certificates or returns made.

3. They are to personally inspect and scrutinize, from time to time and at all times, on the day of election, the manner in which the voting is done, and the way and method in which the poll-books, registry-lists, and tallies or check-books are kept; and in order that each candidate for the office of Representative shall obtain the benefit of every vote for him cast, the supervisors of election are to personally scrutinize, count, and canvass each and every ballot cast in their voting-precinct.

4. They are authorized and directed, the better to enable them to discharge their duties, to take, occupy, and remain in such position or positions, from time to time, whether before or behind the ballot-boxes, as will, in their judgment, best enable them to see each person offering to vote, and as will best conduce to their scrutinizing the manner in which the voting is being conducted.

5. At the closing of the polls for the reception of votes, they are required to place themselves in such position in relation to the ballot-boxes, for the purpose of engaging in the work of canvassing the ballots in said boxes contained, as will fully enable them to count and canvass each and every ballot in each and every box, and make due returns of all votes therein to the chief supervisor.

6. A certificate of all ballots polled in each ward for Representative in Congress will be made out and signed by both supervisors, and returned in a sealed envelope to the chief supervisor on the day after the election.

7. On election-day, no supervisor will, under any circumstances, be allowed, while within the polling-place, to electioneer or engage in any political discussion, or to have any ballots within the polling-place at any time, save when offering his own vote. Electioneering, canvassing, or what is generally designated as "outside work," is no part of his duty, and it will not in anywise be tolerated.

8. If any supervisor shall not be allowed to exercise and discharge fully and freely each and every duty, obligation, and power conferred on him, it is his duty promptly to report the same to the chief supervisor.

9. The attention of each supervisor is particularly called to the following:

Act of February 28th, 1871.

SECT. 11. *And be it further enacted*, That whoever shall be appointed a supervisor of election, or a special deputy marshal, under the provisions of this act, and shall take the oath of office as such supervisor of election or such special deputy marshal, who shall thereafter neglect or refuse, without good and lawful excuse, to perform and discharge fully the duties, obligations, and requirements of such office until the expiration of the term for which he was appointed, shall not only be subject to removal from office with loss of all pay or emoluments, but shall be guilty of a misdemeanor, and, on conviction, shall be punished by imprisonment for not less than six months, nor more than one year, or by fine of not less than two hundred dollars, and not exceeding five hundred dollars, or by both fine and imprisonment, and shall pay the costs of prosecution.

And to the law of the State of Massachusetts relating to the "duty of ward officers when right to vote is challenged."

Section 44, chapter 376, of the acts of the legislature of Massachusetts of 1874, entitled "An act relating to elections," reads thus:

Whenever, in any election, the right of any person offering to vote is challenged for any cause recognized by existing laws, it shall be the duty of the warden or presiding

officer, if the person challenging shall so demand, to require the person so offering to vote to write his name and residence upon the ballot so offered and challenged, and the warden or presiding officer shall add thereto the name of the person challenging the same, and the cause assigned therefor, before such ballot shall be received; and if such ballot shall be offered sealed, the writing as aforesaid may be upon the envelope covering the same, and the warden or other presiding officer, in the presence of the clerk and at least one inspector, shall mark and designate such ballot, by writing thereon the name of the person by whom it was cast, before it is counted; and at the close of the election the same shall be returned to the envelope in which it was deposited: *Provided*, That nothing contained in this section shall be so construed as to permit ward officers to receive any vote which, by existing laws, they are required to refuse.

10. Supervisors in discharging their duties should be careful not to do anything offensively, and at all times to remember that the sole object of the law, under which they hold office, is to preserve the purity of the election, with justice and fairness toward all persons and parties.

HENRY L. HALLETT,

Chief Supervisor of Elections for the District of Massachusetts.

As supervisors, for the purposes of arrest or preservation of the peace, have, in the absence of the marshal's deputies, or if required to assist said deputies, the same duties and powers as deputy marshals—

The following instructions, issued by the United States marshal, are appended that supervisors may be informed as to the duties of deputy marshals:

UNITED STATES MARSHAL'S OFFICE,
DISTRICT OF MASSACHUSETTS,
Boston, November 6, 1876.

The following instructions are issued with reference to the election to be held on Tuesday, November 7th, in this city:

The following chief deputy is appointed for the ——— ward in the city, and he will be obeyed and respected accordingly:

The deputies acting in the several wards will report to the chief deputy above designated, and be subject to his order.

On the day of election the deputy marshals are authorized to preserve order at the polls, and to arrest, for any offence, under the acts of Congress to enforce the right of citizens of the United States to vote, &c., or for any breach of the peace committed at the polls in their view. The arrests here contemplated are to be made immediately and without a writ, but when summary arrests shall have been made the chief deputy will cause the offenders to be forwarded with the witness as soon as practicable to this office, in order that regular warrants may be issued at once, founded on oath or affirmation.

The chief deputies and their subordinates are directed to act with great prudence and moderation, and to subject themselves to inconveniences which may not be infractions of the law.

The deputy marshals will sustain and protect, with all the force at their command, the supervisors appointed by the judge of the United States circuit court for this district.

If any attempt shall be made at the election to prevent those supervisors from attending, from challenging any vote offered, or from witnessing the counting of all the votes cast for any office, or from remaining where any of the ballot-boxes are kept, from the opening of the polls to the completion of the count, or to molest or disturb them in the exercise of their duties, the deputy marshals will resist such attempt, and cause the arrest of the persons guilty of such disorder.

These instructions must be prudently but energetically carried out, remembering that, in the acts of Congress which have been passed in reference to elections, it seems to have been intended, first, to secure to

every person, entitled by law to vote, the free exercise of his privilege; second, to prevent voting by any person not so entitled; and, third, to secure a fair count of the votes actually cast.

A deputy marshal, after accepting his office, is liable to arrest for any neglect or violation of his official duty.

I respectfully invite all persons to make known immediately to this office any instances of official impropriety on the part of deputy marshals which may come to their personal knowledge.

And, in order that those intending crime (if any) may be forewarned, and offenders secured, I respectfully request all citizens, of all parties, to assist the United States officers in enforcing the proper observance of the acts of Congress relating to elections, and co-operate with them in securing an honest vote, an honest count, and a satisfactory election, regardless of its party results.

Commissions and badges must be returned to this office before payment for service will be made.

ROLAND G. USHER,
U. S. Marshal, District of Mass.

W. W.—E.

UNITED STATES OF AMERICA,
Massachusetts District, ss :

BOSTON, *February 23, 1877.*

Be it known that I, Henry L. Hallett, chief supervisor of elections for the district of Massachusetts, appointed by the Hon. George F. Shepley, justice of the circuit court of the United States, hereby certify that the several supervisors of election, by me recommended for appointment, and by the Hon. George F. Shepley, judge of the circuit court of the United States for the district of Massachusetts, appointed as supervisors of election for the several wards of the city of Boston, or voting precincts composing the third congressional district in the said district of Massachusetts, were qualified according to law, and on the 4th day of November, 1876, took and subscribed an oath like the one which is hereto annexed, marked "X.—H. L. H.," and that said supervisors acted and made to me returns, copies of which several returns are hereto annexed: "13.—H. L. H.," "14.—H. L. H.," "15.—H. L. H.," "16.—H. L. H.," "17.—H. L. H.," "18.—H. L. H.," "19.—H. L. H.," "20.—H. L. H.," "21.—H. L. H.," "24.—H. L. H."

[SEAL.]

HENRY L. HALLETT,
Chief Supervisor of Elections for the District of Massachusetts.

X.—H. L. H.

Oath of office.

I, ———, residing at No. —, —, in the city of Boston, do solemnly swear that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto. And I do further swear that, to the best of my knowledge and ability, I will support and defend the

Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

Sworn to before me this — day of —, 187 .

U. S. Commissioner, District of Massachusetts.

13.—H. L. H.

HENRY L. HALLETT,

Chief Supervisor of Elections for the District of Massachusetts:

The following is a correct return of the number of ballots polled in the 13th ward of Boston for Representatives to Congress:

Benjamin Dean, 1,495.

Walbridge A. Field, 219.

FRANK HANSCOM,
JOHN McNAMARA,
Supervisors 13th Ward.

CITY OF BOSTON, November 7, 1876.

14.—H. L. H.

BOSTON, November 7, 1876.

To HENRY L. HALLETT,

Chief Supervisor of Elections for the District of Massachusetts:

This is to certify that the total number of votes for Representative to Congress cast in ward 14 was (2,014) two thousand and fourteen.

Of this number Benjamin Dean has (1,075) ten hundred and seventy-five.

Walbridge A. Field has (939) nine hundred and thirty-nine.

WM. L. CUSBY,
PATRICK F. REDDY,
Supervisors for Ward 14.

15.—H. L. H.

BOSTON, November 7, 1876.

At ward-room, ward 15.

HENRY L. HALLETT, Esq.,

Chief Supervisor of Elections for the District of Massachusetts:

We, the United States supervisors for ward 15, appointed by Judge George F. Shepley, of the United States circuit court, first judicial circuit, would most respectfully submit the following statement as a true and accurate count of the votes in this ward for Representatives in Congress:

Benjamin Dean had eight hundred and fifty-five.

Walbridge A. Field had seven hundred and fifty-three.

JOSEPH OSGOOD,
MICHAEL P. McCARTY,
Supervisors.

16.—H. L. H.

BOSTON, *November 8, 1876.*

This is to certify that the undersigned persons have received the number of votes affixed to their names in ward sixteen, Boston, on Tuesday, November the 7th, for Representatives to Congress from the third congressional district of Massachusetts:

Benjamin Dean, 897.

Walbridge A. Field, 621.

JOHN F. DALY,
ABRAHAM J. LAMB,
Supervisors.

17.—H. L. H.

The supervisors of ward seventeen (17) of the city of Boston, Mass., have attended to their duty, and report the votes for Representatives to Congress as follows:

For Walbridge A. Field, of Boston, eleven hundred and thirty-one, (1,131.)

For Benjamin Dean, of Boston, eight hundred and two, (802.)

JAMES CUTLER.
HENRY DOHERTY.

18.—H. L. H.

This is to certify that we, the subscribers, supervisors of the vote of ward eighteen, city of Boston, have examined and counted the votes cast for Representative for member Congress of the third district, with the following result:

Whole number of votes, 1,989.

For Walbridge A. Field, 1,410.

For Benjamin Dean, 579.

Twenty-five additional votes cast for Walbridge A. Field, of fourth district, not counted; left for decision of Committee on Elections.

Respectfully submitted.

WILLIAM SWINSON.
DANIEL P. SULLIVAN.

To Hon. HENRY L. HALLETT,

Chief Supervisor of Elections for District of Massachusetts.

BOSTON, *November 7, 1876.*

19.—H. L. H.

Ward 19.—Return of votes for Representatives in Congress.

Benjamin Dean, eleven hundred and twenty-six.

Walbridge A. Field, six hundred and fourteen.

H. C. PICKERING.
THOMAS REILLY.

20.—H. L. H.

WARD-ROOM, WARD 20,
Boston, November 7, 1876.

We have the honor to report the following vote for Representative to Congress as cast in ward 20 this day :

Benjamin Dean, ten hundred thirty-five, (1,035.)

Walbridge A. Field, eight hundred ninety-one, (891.)

GEORGE W. ADAMS,

JULIUS M. SWAN,

Supervisors of Elections.

To HENRY L. HALLETT, Esq.,

Chief Supervisor of Elections for the District of Massachusetts.

21.—H. L. H.

BOSTON, November 7, 1876.

To Hon. HENRY L. HALLETT,

Chief Supervisor of Elections for the District of Massachusetts :

In accordance with instructions to us, we hereby return to you a certificate of the ballots polled in ward twenty-one of this city this day for Representative to Congress :

For Walbridge A. Field there were polled 1,331 ballots.

For Benjamin Dean there were polled 547 ballots.

Respectfully submitted.

SAMUEL T. COBB,

MATTHEW R. WALSH,

Supervisors of Election for Ward 21 of Boston.

24.—H. L. H.

WARD 24,
Boston, November 7, 1876.

HENRY L. HALLETT, Esq.,

Chief Supervisor of Elections, Boston :

SIR: We have the honor to report the following as the vote cast for Representative in Congress from the third congressional district in ward twenty-four of this city :

For Walbridge A. Field, thirteen hundred and sixty-one.

For Benjamin Dean, eight hundred and ninety-five.

Respectfully submitted.

CHAS. B. FOX,

U. S. Supervisor, Ward 24, Boston.

JOHN J. COFFEY,

U. S. Supervisor, Ward 24.

W. W.—F.

CITY OF BOSTON, ss :

To either of the constables of the city of Boston, greeting :

In the name of the commonwealth of Massachusetts, you are required forthwith to warn the inhabitants of ward No. 18, qualified as the law

directs, to assemble at their ward-room, Concord street, on Tuesday, the 7th day of November next, being the Tuesday after the first Monday in said month, at 8 o'clock a. m., then and there to give in their votes for thirteen electors of President and Vice-President of the United States, each ballot for such electors to contain the name of at least one inhabitant of each congressional district of this commonwealth; also for the following State officers, viz: a governor, a lieutenant-governor, a member of the Forty-fifth Congress of the United States, being an inhabitant of congressional district No. 3; a councilor, being an inhabitant of councilor district No. 4; a secretary, a treasurer and receiver-general, an auditor, and an attorney-general of this commonwealth, one senator for Suffolk district No. 6, and two representatives for the eighteenth representative district of Suffolk, (that being the number apportioned to said district pursuant to law;) also for the following county officers: a clerk of the supreme judicial court, a clerk of the superior court for civil business, a clerk of the superior court for criminal business, and a register of deeds for the county of Suffolk.

All the foregoing to be voted for on one ballot.

 The polls to be kept open until 4½ o'clock p. m.

Hereof fail not, and have you there then this warrant with your doings thereon. Witness John T. Clark, esq., chairman of the board of aldermen of Boston, this 16th day of October, in the year of our Lord one thousand eight hundred and seventy-six.

By order of the board of aldermen.

S. F. McCLEARY,
City Clerk.

CITY OF BOSTON, ss:

OCTOBER 30, 1876.

Pursuant to the foregoing warrant, I, the subscriber, one of the constables of the city of Boston, have notified the inhabitants of ward No. 18 in said city to assemble at the time and place and for the purpose mentioned in said warrant.

W. G. TYLER,
Constable.

A warrant similar in form to the above was duly issued and served for the election on November 7, 1876, in each of the wards comprising the third congressional district of Massachusetts.

Attest:

S. F. McCLEARY,
City Clerk.

A true copy of original warrant issued for ward 18.

Attest:

S. F. McCLEARY,
City Clerk.

W. W.—G.

CITY OF BOSTON:

At a legal meeting of the inhabitants of ward No. thirteen, in the city of Boston, in the county of Suffolk, and commonwealth of Massachusetts, qualified as the law directs, holden in said ward on Tuesday, the 7th day of November, in the year of our Lord one thousand eight hundred and seventy-six, for the purpose of giving in their votes for one able and discreet person, being an inhabitant of district No. three, to represent said district in the next Congress of the United States, the whole number of votes given in as aforesaid were sorted, counted, recorded, and declaration thereof made, as by the constitution and laws are directed and were for the following persons:

Benjamin Dean had fourteen hundred and ninety-five, (1,495.)
Walbridge A. Field had two hundred and nineteen, (219.)

In testimony whereof the warden, inspectors of elections, and clerk of said ward have hereunto set their hands the seventh day of November, in the year of our Lord one thousand eight hundred and seventy-six.

GEORGE A. DONEGAN,
Warden.

HUGH O'BRIEN,
JOSEPH A. LAMB,
EDWARD M. WESCOTT,
DUDLEY PRAY,

Inspectors.

N. W. MCGUE,
Clerk.

A true copy of original return duly filed in city clerk's office.

Attest:

S. F. McCLEARY,
City Clerk.

W. W.—H.

CITY OF BOSTON:

At a legal meeting of the inhabitants of ward No. fourteen, in the city of Boston, in the county of Suffolk, and commonwealth of Massachusetts, qualified as the law directs, holden in said ward on Tuesday, the seventh day of November, in the year of our Lord one thousand eight hundred and seventy-six, for the purpose of giving in their votes for one able and discreet person, being an inhabitant of district No. three, to represent said district in the next Congress of the United States, the whole number of votes given in as aforesaid were sorted, counted, recorded, and declaration thereof made, as by the constitution and laws are directed, and were for the following persons:

Benjamin Dean, ten hundred and seventy-five.

Walbridge A. Field, nine hundred and thirty-nine.

In testimony whereof the warden, inspectors of elections, and clerk of said ward have hereunto set their hands the seventh day of November, in the year of our Lord one thousand eight hundred and seventy-six.

THOMAS A. SIMPSON,
Warden.

M. P. CHERRINGTON,
J. A. HILL,
SAMUEL HALE, JR.,
WILLIAM MORRIS,
FRANCIS JAMES,
R. F. MEANS,
J. RENFREW,

Inspectors.

FRANK W. GOODWIN,
Clerk.

A true copy of original return duly filed in city clerk's office.

Attest:

S. F. McCLEARY,
City Clerk.

W. W.—I.

CITY OF BOSTON:

At a legal meeting of the inhabitants of ward No. fifteen, in the city of Boston, in the county of Suffolk, and commonwealth of Massachusetts, qualified as the law directs, holden in said ward on Tuesday, the seventh day of November, in the year of our Lord one thousand eight hundred and seventy-six, for the purpose of giving in their votes for one able and discreet person, being an inhabitant of district No. three, to represent said district in the next Congress of the United States, the whole number of votes given in as aforesaid were sorted, counted, recorded, and declaration thereof made, as by the constitution and laws are directed, and were for the following persons:

Benjamin Dean had eight hundred and fifty-five votes.

Walbridge A. Field had seven hundred and fifty-three votes.

In testimony whereof the warden, inspectors of election, and clerk of said ward have hereunto set their hands the seventh day of November, in the year of our Lord one thousand eight hundred and seventy-six.

E. B. BLASLAND, *Warden.*

CHAS. J. VAUGHN,

WM. F. SMITH,

GEO. H. PATTERSON,

CHARLES B. BEDDINGTON,

THOS. LEAVITT,

JOSEPH R. GROSE,

Inspectors.

ALBAN S. GREEN, *Clerk.*

A true copy of original return duly filed in city clerk's office.

Attest:

S. F. McCLEARY,

City Clerk.

W. W.—J.

CITY OF BOSTON:

At a legal meeting of the inhabitants of ward No. sixteen, in the city of Boston, in the county of Suffolk, and commonwealth of Massachusetts, qualified as the law directs, holden in said ward on Tuesday the seventh day of November, in the year of our Lord one thousand eight hundred and seventy-six, for the purpose of giving in their votes for one able and discreet person, being an inhabitant of district number three, to represent said district in the next Congress of the United States; the whole number of votes given in as aforesaid were sorted, counted, recorded, and declaration thereof made, as by the constitution and laws are directed, and were for the following persons:

Walbridge A. Field had six hundred and twenty-one (621) votes.

Benjamin Dean had eight hundred and ninety-six (896) votes.

In testimony whereof the warden, inspectors of elections, and clerk of

said ward have hereunto set their hands the seventh day of November, in the year of our Lord one thousand eight hundred and seventy-six.

ISAAC J. WETHERBY, *Warden.*

RANDALL G. BURRELL,

FRANK G. PARKER,

W. HARRY NEAL,

FRANCIS M. SMITH,

PATRICK M. DENON,

Inspectors.

CHARLES B. HUNTING, *Clerk.*

A true copy of original return, duly filed in city clerk's office.

Attest:

S. F. McCLEARY,
City Clerk.

W. W.—K.

CITY OF BOSTON:

At a legal meeting of the inhabitants of ward No. seventeen, in the city of Boston, in the county of Suffolk, and commonwealth of Massachusetts, qualified as the law directs, holden in said ward on Tuesday, the seventh day of November, in the year of our Lord one thousand eight hundred and seventy-six, for the purpose of giving in their votes for one able and discreet person, being an inhabitant of district number three, to represent said district in the next Congress of the United States; the whole number of votes given in as aforesaid were sorted, counted, recorded, and declaration thereof made, as by the constitution and laws are directed, and were for the following persons:

Walbridge A. Field, of Boston, had eleven hundred and thirty-one (1,131) votes.

Benjamin Dean, of Boston, had eight hundred and two (802) votes.

In testimony whereof the warden, inspectors of elections, and clerk of said ward have hereunto set their hands the seventh day of November, in the year of our Lord one thousand eight hundred and seventy-six.

ALBERT E. PILLSBURY,

Warden pro tem.

C. C. RYDER,

JESSE L. NASON.

JOHN C. LANE,

CHAS. B. JOHNSTON,

W. H. CUNDY,

THOMAS A. TALLON,

W. C. PAGE,

DUDLEY R. CHILD,

Inspectors.

BENJAMIN KIMBALL, *Clerk.*

A true copy of original return, duly filed in city clerk's office.

Attest:

S. F. McCLEARY,
City Clerk.

W. W.—L.

CITY OF BOSTON:

At a legal meeting of the inhabitants of ward No. eighteen in the city of Boston, in the county of Suffolk, and commonwealth of Massachusetts, qualified as the law directs, holden in said ward on Tuesday, the seventh day of November, in the year of our Lord one thousand eight hundred and seventy-six, for the purpose of giving in their votes for one able and discreet person, being an inhabitant of district number three, to represent said district in the next Congress of the United States; the whole number of votes given in, as aforesaid, were sorted, counted, recorded, and declaration thereof made, as by the constitution and laws are directed, and were for the following persons:

Walbridge A. Field had fourteen hundred and ten.

Benjamin Dean had five hundred and seventy-nine.

For member of Congress, fourth district, Walbridge A. Field had twenty-five.

In testimony whereof the warden, inspectors of elections, and clerk of said ward have hereunto set their hands the seventh day of November, in the year of our Lord one thousand eight hundred and seventy-six.

B. E. COLE, *Warden.*
CHARLES E. FOX,
ALBERT C. POND,
W. H. CHIPMAN,
WM. H. THOMAS,
Inspectors.
JOHN ALBREE, *Clerk.*

A true copy of original return duly filed in city clerk's office.

Attest:

S. F. McCLEARY,
City Clerk.

W. W.—M.

CITY OF BOSTON:

At a legal meeting of the inhabitants of ward No. nineteen in the city of Boston, in the county of Suffolk, and commonwealth of Massachusetts, qualified as the law directs, holden in said ward on Tuesday, the seventh day of November, in the year of our Lord one thousand eight hundred and seventy-six, for the purpose of giving in their votes for one able and discreet person, being an inhabitant of district number three, to represent said district in the next Congress of the United States; the whole number of votes given in, as aforesaid, were sorted, counted, recorded, and declaration thereof made, as by the constitution and laws are directed, and were for the following persons:

Walbridge A. Field, six hundred fourteen.

Benjamin Dean, eleven hundred twenty-six.

Field, 1.

A. Field, 1.

In testimony whereof the warden, inspectors of elections, and clerk of said ward have hereunto set their hands the seventh day of Novem-

ber, in the year of our Lord one thousand eight hundred and seventy-six.

JOHN McELROY, *Warden.*

MICHAEL J. MAHONEY,

GEO. A. KOHL,

ALBERT BATCHELDER,

JOHN DEERY,

ANTHONY B. SHAW,

J. S. O'GORMAN, *pro tem.*,

Inspectors.

ALBERT THAYER, *Clerk.*

A true copy of original return duly filed in city clerk's office.

Attest:

S. F. McCLEARY,

City Clerk.

W. W.—N.

CITY OF BOSTON:

At a legal meeting of the inhabitants of ward No. twenty, in the city of Boston, in the county of Suffolk, and commonwealth of Massachusetts, qualified as the law directs, holden in said ward on Tuesday, the seventh day of November, in the year of our Lord one thousand eight hundred and seventy-six, for the purpose of giving in their votes for one able and discreet person, being an inhabitant of district number three, to represent said district in the next Congress of the United States; the whole number of votes given in, as aforesaid were sorted, counted, recorded, and declaration thereof made, as by the constitution and laws are directed, and were for the following persons:

Walbridge A. Field had eight hundred and ninety-seven, of Boston, (897.)

Benj. Dean, ten hundred and thirty-eight, of Boston, (1,038.)

In testimony whereof the warden, inspectors of elections, and clerk of said ward have hereunto set their hands the seventh day of November, in the year of our Lord one thousand eight hundred and seventy-six.

EDWARD W. DOLAN, *Warden.*

DANIEL J. MITCHELL,

HERBERT C. DAVIS,

FRANK P. RICHARDSON,

GEORGE F. SCOTT,

ALEX. K. BRYER,

CHARLES ERSKINE,

Inspectors.

JOHN W. PALFREY,

Clerk pro tem.

A true copy of original return duly filed in city clerk's office.

Attest:

S. F. McCLEARY,

City Clerk.

W. W.—O.

CITY OF BOSTON :

At a legal meeting of the inhabitants of ward No. twenty-one, in the city of Boston, in the county of Suffolk, and commonwealth of Massachusetts, qualified as the law directs, holden in said ward on Tuesday, the seventh day of November, in the year of our Lord one thousand eight hundred and seventy-six, for the purpose of giving in their votes for one able and discreet person, being an inhabitant of district number three, to represent said district in the next Congress of the United States; the whole number of votes given in, as aforesaid were sorted, counted, recorded, and declaration thereof made, as by the constitution and laws are directed, and were for the following persons :

Walbridge A. Field had thirteen hundred and thirty-one.

Benjamin Dean had five hundred and forty-seven.

Samuel D. Smith had one.

In testimony whereof the warden, inspectors of elections, and clerk of said ward have hereunto set their hands the seventh day of November, in the year of our Lord one thousand eight hundred and seventy-six.

WM. H. MCINTOSH, *Warden.*

THEODORE M. PLIMPTON,

A. G. WYMAN,

J. M. MARSTON,

WM. E. PECKETT,

CHAS. H. HOVEY,

ARTHUR M. KEITH,

HIRAM A. WRIGHT,

Inspectors.

JOHN C. COOK, *Clerk.*

A true copy of original return duly filed in city clerk's office.

Attest :

S. F. McCLEARY,

City Clerk.

W. W.—P.

CITY OF BOSTON :

At a legal meeting of the inhabitants of ward No. twenty-four, in the city of Boston, in the county of Suffolk, and commonwealth of Massachusetts, qualified as the law directs, holden in said Ward on Tuesday, the seventh day of November, in the year of our Lord one thousand eight hundred and seventy-six, for the purpose of giving in their votes for one able and discreet person, being an inhabitant of district number three, to represent said district in the next Congress of the United States; the whole number of votes given in, as aforesaid were sorted, counted, recorded, and declaration thereof made, as by the constitution and laws are directed, and were for the following persons :

Walbridge A. Field, of Boston, thirteen hundred sixty-one.

Benjamin Dean, of Boston, eight hundred ninety-five.

In testimony whereof the warden, inspectors of elections, and clerk of said ward have hereunto set their hands the seventh day of Novem-

ber, in the year of our Lord one thousand eight hundred and seventy-six.

JOHN PIERCE, *Warden.*

W. D. O. CURTIS,

JOSEPH E. HALL,

JNO. H. DILLON,

HENRY PIERCE,

W. WITHINGTON,

HENRY B. DAVIS,

Inspectors.

GEORGE A. FISHER, *Clerk.*

A true copy of original return duly filed in city clerk's office.

Attest:

S. F. McCLEARY,
City Clerk.

W. W.—Q.

To the city clerk of the city of Boston:

The undersigned, qualified voters of ward 13, in the third congressional district, hereby state that they have reason to believe that the returns of the ward-officers of said ward for member of Congress in said congressional district at the election of November 7th, 1876, are erroneous, in that all the ballots cast for Walbridge A. Field as member of Congress were not counted and credited to him, and that more ballots were credited to Benjamin Dean as member of Congress than were cast for him; and they ask for a recount of the vote of said ward for member of Congress, in accordance with the provisions of section 4 of chapter 188 of the acts of the year 1876.

WILLIAM W. DOHERTY.

A. A. WOODWARD.

EDWARD M. WESCOTT.

ALVAN SIMONDS.

J. B. COLE.

ELIJAH M. HATCH.

JOHN H. BROWN.

J. T. COLE.

W. B. WILBER.

ALEXANDER A. PETERSON.

T. A. JACKSON.

ALFRED H. SAMSON.

JOSEPH BUCKLEY.

DANIEL E. CONNOR.

CHAS. EVERBECK.

The foregoing is a true copy of a notice from citizens of ward 13, in the city of Boston, filed with the city clerk of said city on the 9th day of November, 1876.

Attest:

S. F. McCLEARY,
City Clerk.

A notice in the same form as the foregoing, and duly signed, was filed with the city clerk of said city, on the said 9th day of November, 1876, from each of the following wards, being all of the remaining wards comprising said congressional district, viz: wards 14, 15, 16, 17, 18, 19, 20, 21, and 24; and all of said notices were duly transmitted to the committee of the board of aldermen appointed to examine the returns of the election held November 7, 1876.

S. F. McCLEARY,
City Clerk.

W. W.—R.

CITY OF BOSTON.

In Board of Aldermen, Nov. 6, 1876.

On motion of Aldermen Stebbins, Messrs. Stebbins, Viles, and O'Brien were appointed a committee to examine and report upon the returns of votes to be cast in the several wards of this city to-morrow.

Nov. 13, 1876.

The committee appointed to examine the returns of votes cast on the seventh instant in this city beg leave to report that they received applications in the usual form, from ten or more legal voters from each ward comprising the third congressional district, asking for a recount of the original ballots cast for a member of Congress in that district. They accordingly attended to that duty, and report the results as set forth in the table hereto annexed, from which it will appear that there were for—

Third district.

Benjamin Dean	9, 315 ballots.
Walbridge A. Field,	9, 295 ballots.
Walbridge A. Field, "for member of Congress for the fourth district	25 ballots.
William A. Field	1 ballot.
—— Field	3 ballots.

The twenty-five ballots were cast in the 18th ward, and the number of the district was printed on the ballots. The committee judge that an error was made in printing the ballots, and they believe it was the intention of the voters who deposited these ballots to vote for Walbridge A. Field, who was a resident of the third district and who was the regularly-nominated candidate of one of the great parties for Congress. It is proper to state that all the ballots were examined and counted by each member of the committee separately, who all arrived at the same result.

Acting under the advice of the city solicitor, who had grave doubts as to the right of the committee to credit such ballots to Mr. Field, the committee, without recommending any course to be pursued, submit the facts and the whole subject to the judgment and decision of the board.

S. B. STEBBINS,
HUGH O'BRIEN,
CLINTON VILES,

Committee.

Read, and, on motion of Aldermen Stebbins the further consideration of the subject was assigned to Wednesday next, at four o'clock p. m., at which time Mr. Dean and Mr. Field were invited to appear, either personally or by counsel, to present their claims.

Resolved, That, in the opinion of this board, the twenty-five ballots cast in the eighteenth ward of this city, on the seventh instant, "for Walbridge A. Field, of Boston, for member of Congress from the fourth district," were intended for Walbridge A. Field, of Boston, who was nominated and voted for as a member of Congress for the third district: It is therefore,

Ordered, That in the certificate to be sent to the secretary of the Commonwealth the number of ballots for Mr. Field be returned as follows:

Walbridge A. Field, of Boston, had ninety-three hundred and twenty; twenty-five of which were headed Ward XVIII, and read as follows: "For Representative to Congress, fourth district, Walbridge A. Field, of Boston."

Read, and, on motion of Alderman Stebbins, assigned for consideration on Wednesday next, at four o'clock p. m.

Aldermen O'Brien submitted to the board the following order:

Ordered, That the city solicitor be requested to give his opinion to this board on the following question: Is the board of aldermen authorized to so amend the return of the ward-officers of the eighteenth ward as to credit Walbridge A. Field, of Boston, a candidate for member of Congress from the third district of this State, with twenty-five ballots cast in said ward "for Walbridge A. Field, of Boston, for member of Congress from the fourth district?" or, is it the province and duty of the board to certify simply to the secretary of the commonwealth the result of the election as found by the returns of the ward-officers, or by the inspection of the ballots, as the case may be?

Read twice and passed.

CITY OF BOSTON, *February 15, 1877.*

I certify that the foregoing are correct extracts from the records of the board of aldermen of this city for the year 1876.

S. F. McCLEARY,
City Clerk.

W. W.—R.

CITY OF BOSTON,
In Board of Aldermen, November 15, 1876.

Agreeably to assignment, the board took up the subject of the election case in the third congressional district.

Alderman Thompson called first for the opinion of the city solicitor in response to the question submitted to him on this subject, which opinion was read by the chair as follows:

"Having duly considered the question proposed to me by the board of aldermen by their order passed the 13th instant, I have the honor to submit the following opinion: The order is as follows:

"*Ordered*, That the city solicitor be requested to give his opinion to this board on the following questions: Is the board of aldermen authorized to so amend the return of the ward officers of the eighteenth ward as to credit Walbridge A. Field, of Boston, a candidate for member of Congress from the third district of this State, with twenty-five ballots cast in said ward for Walbridge A. Field, of Boston, for member of Congress from the fourth district, or is it the province and duty of the board to certify to the secretary of the commonwealth the result of the election as found by the returns of the ward officers, or by the inspection of the ballots, as the case may be?"

"The decision of the question whether the twenty-five ballots cast in the third congressional district for Mr. Field 'for member of Congress from the fourth district,' shall be counted for him in determining the election in the third district, does not, in my judgment, belong to the board of aldermen. The board are not judges of the election or qualification of the persons voted for, but are simply returning-officers. Their whole duty in the premises is discharged, I think, when they make a return of the certificates of the ward officers, with such amendments thereto as their own examination and count of the ballots show are necessary to give the correct statement of the voting.

"I am, very respectfully, your obedient servant,

"J. P. HEALY."

The question then being on the acceptance of the report and the passage of the resolve and order submitted at the last meeting and recorded on pages 1273-74,

Alderman Thompson moved that the report, so far as relates to the *facts* therein set forth, be accepted, and that a certificate in accordance therewith be sent to the secretary of the commonwealth.

The yeas and nays being taken on this motion, were as follows:

YEAS.—Aldermen O'Brien, Thompson, Viles—3.

NAYS.—Aldermen Bigelow, Burnham, Burrage, Clark, Hull, Pope, Sampson, Stebbins, Whidden—9.

So said motion did not prevail.

Alderman Thompson then moved to reconsider the vote by which a public hearing was granted to the parties in interest to-day.

The yeas and nays being taken on this motion, were as follows:

YEAS.—Aldermen Burnham, O'Brien, Thompson, Viles—4.

NAYS.—Aldermen Bigelow, Burrage, Clark, Hull, Pope, Sampson, Stebbins, Whidden—8.

So said motion did not prevail, and the proposed hearing took place.

Messrs. J. Lewis Stackpole and William G. Russell appeared in behalf of Walbridge A. Field, and Messrs. S. A. B. and J. G. Abbott for Mr. Benjamin Dean.

After hearing the arguments of the respective counsel in the case, the board entered upon the consideration of the acceptance of the said report and the passage of the said resolve and order, which were finally passed by the following vote:

YEAS.—Aldermen Bigelow, Burnham, Burrage, Clark, Hull, Pope, Sampson, Stebbins, Whidden—9.

NAYS.—Aldermen O'Brien, Thompson, Viles—3.

And a certificate to the secretary of the commonwealth was made and signed accordingly.

CITY OF BOSTON, *February 15, 1877.*

I certify that the foregoing is a true copy from the records of the board of aldermen of this city for the year 1876.

S. F. McCLEARY,
City Clerk.

W. W.—R.

CITY OF BOSTON.

Record of returns of votes given in the several wards November 7, 1876, for members of the Forty-fifth Congress.

[District No. Three, as amended.]

	Wards.										Totals.
	13	14	15	16	17	18	19	20	21	24	
Walbridge A. Field	225	950	751	625	1,131	1,438	614	891	1,333	1,362	9,320
Benjamin Dean	1,497	1,100	855	889	803	573	1,125	1,035	545	893	9,315
Wm. A. Field				1							1
— Field							3				3
Leopold Morse				1							1
Rufus S. Frost				2		1					3
Francis M. Weld								1			1

A true copy from the record of returns of votes for a member of Congress for the third Massachusetts district as examined and declared by the board of aldermen on November 15, 1876, as appears in their recorded proceedings.

Attest:

S. F. McCLEARY,
City Clerk.

CITY OF BOSTON, *February* 26, 1877.

The within contains a true copy of all the records of the board of aldermen of this city respecting the election of a member of Congress for the third congressional district on November 7, 1876.

Attest:

S. F. McCLEARY,
City Clerk.

W. W.—S.

Third congressional district.

	Ward returns.										Totals.
	13	14	15	16	17	18	19	20	21	24	
Benjamin Dean.....	1,495	1,075	855	896	802	579	1,126	1,038	547	895	9,308
Walbridge A. Field.....	219	939	753	621	1,131	1,410	614	897	1,331	1,361	9,276
Walbridge A. Field, (4th dist.).....						25					25
— A. Field.....							1				1
— Field.....							1				1
Samuel D. Smith.....									1		1
	Official count.										
	13	14	15	16	17	18	19	20	21	24	
Benjamin Dean.....	1,497	1,100	855	889	803	573	1,125	1,035	545	893	9,315
Walbridge A. Field.....	225	950	751	625	1,131	1,413	614	891	1,333	1,362	9,295
Walbridge A. Field, (4th dist.).....						25					25
Wm. A. Field.....				1							1
— Field.....							3				3
Leopold Morse.....				1							1
Rufus S. Frost.....				2		1					3
Francis M. Weld.....								1			1

CITY OF BOSTON, *March* 1, 1877.

The above is a true copy of the table referred to in the report of the committee appointed to examine the returns of votes for a member of Congress from the third Massachusetts district, which report was made to the board of aldermen November 13, 1876. The original table, of which the above is a copy, is on file with the other papers in this case in the office of the city clerk.

Attest:

S. F. McCLEARY,
City Clerk.

W. W.—T.

In the matter of the contested election in the third congressional district of Massachusetts, wherein Benjamin Dean is the contestant and Walbridge A. Field the incumbent.

It is hereby agreed that at the time of making the certificates attached to exhibits marked W. W.—F, W. W.—G, W. W.—H, W. W.—I, W. W.—J, W. W.—K, W. W.—L, W. W.—M, W. W.—N, W. W.—O, W. W.—P, W. W.—Q, W. W.—R, and W. W.—S, said S. F. McLeary was the officer he represents himself to be; that he was the legal custodian and certifying officer of the papers and records certified by him; that said certificates and signatures of said McCleary are genuine; and that the facts stated by said McCleary in said certificate are true and may be taken as proved.

It is further agreed that the certificate attached to exhibit marked W. W.—E is the genuine certificate of Henry L. Hallett, and that the facts set forth in his said certificate are true and may be taken as proved.

BENJAMIN DEAN,

By his attorneys, ABBOTT & LOVERING.

W. A. FIELD,

By W. G. RUSSELL,

His Attorney

EVIDENCE IN REBUTTAL, ON PART OF BENJAMIN DEAN, CONTESTANT.

Deposition of Thomas Leavitt.

APRIL 18.

THOMAS LEAVITT, a witness on behalf of Benjamin Dean, contestant, being first duly sworn, in answer to interrogatories proposed by S. A. B. Abbott, esq., of counsel on behalf of contestant, testified as follows, viz:

Interrogatory 1. Please give your name, age, residence, and occupation.—Answer. Thomas Leavitt; 447 Broadway, Boston, Mass., ward 15; sixty-five; assistant assessor for the city of Boston.

Int. 2. What office, if any, did you hold on November 7, 1876, in said ward 15?—A. One of the vote-inspectors.

Int. 3. State what you know with reference to any ballot in said ward being changed in any manner by the ward officers in said ward 15.—A. I was one of the inspectors, and helped count the ballots; the warden gave a man by the name of Smith and myself what is called the scratched tickets to count; in counting the split tickets we came to a democratic ticket, and on this ticket was the name of Mr. Field, written in pencil, right above Mr. Dean's name, and Mr. Dean's name was not erased at all, and I called the attention of the warden to that vote, and he said, "You will have to count that vote for Mr. Field; it is meant for Mr. Field, though Mr. Dean's name is not erased;" and the vote was counted for Mr. Field, Mr. Smith saying that he would fix that all right, and taking his pencil and drawing a line right through the name of Mr. Dean. I said that wasn't right, and I took a piece of rubber and tried to erase that mark, and, in doing so, think I erased most of Mr. Dean's name, though it was printed on.

Cross-examination by William G. Russell, esq., of counsel for incumbent:

Cross-int. 1. Whom have you informed of this transaction and when did you first state it to any one?—A. I think I stated that to Mr. Dean shortly after election. I think I did; I couldn't state positively about it. There were other parties saw this transaction in the ward-room; the supervisors saw the same thing.

Cross-int. 2. How often have you conversed about it with Mr. Dean, and when first?—A. I don't think I have had more than one conversation with Mr. Dean about this matter. I couldn't say when; it might have been some during the week after election.

THOS. LEAVITT.

(The above testimony is objected to on behalf of Mr. Field, the incumbent, as not being in rebuttal of incumbent's evidence, and the cross-interrogatories are put *de bene esse*.)

Deposition of Daniel P. Sullivan.

APRIL 18.

DANIEL P. SULLIVAN, a witness on behalf of Benjamin Dean, contestant, being first duly sworn, in answer to interrogatories proposed by S. A. B. Abbott, esq., of counsel for the contestant, testified as follows, viz:

Interrogatory 1. Please give your name, age, residence, and occupation.—Answer. Daniel P. Sullivan; twenty-seven; ward 18, Northampton street, Boston, Mass.; wood-carver.

Int. 2. What office did you hold in ward 18 on the seventh day of November, 1876?—A. United States supervisor, on behalf of democratic party.

Int. 3. Will you describe as fully as you can the manner in which the votes cast in that ward for member of Congress on November 7, 1876, were counted by you and the other officers in that ward?—A. The system was, the warden, clerk, and one of the inspectors did the counting. The warden and clerk were present at the counting of each lot taken out, and the inspector was absent when one lot was being counted. After they counted all the ballots for all the candidates on the tickets, they tied the ballots together; they had the republican ballots in one lot and the democratic in another and the prohibition in another, and they tied a string round each bundle, and marked on each bundle, on a ballot, the vote for Mr. Dean and for Mr. Field; then they were handed to the supervisors, Mr. Swinson and myself. Mr. Swinson would count the ballots and I would watch him, and after he got through he would hand them over to me and he would watch me counting. In some cases I counted them over two or three different times to see if the figures compared with the ward-officers' count, and each time I found them to be correct.

Int. 4. How carefully did you and Mr. Swinson count the ballots, and how certain are you of the accuracy of the returns made by you and Mr. Swinson as supervisors, and by the ward officers?—A. In every case, as I stated before, Mr. Swinson would count and I would count, and sometimes I would go over them two or three times to see if there was a single error, and every time they would tally with the ward officers'. I am certain if there was any error in the count or any tampering with

the votes it must have been done by other parties than the ward officers or the supervisors.

Int. 5. Of what political party were the ward officers of ward 18, and how carefully and accurately did they count the ballots?—A. Mr. Thomas, one of the inspectors, calls himself a democrat. A gentleman named Babcock, who was one of the inspectors, is a sound democrat. There was another one, named Fox, who talked a little like a democrat. I don't know what his creed was. He talked that Mr. Field was not entitled to those twenty-five votes for fourth district. Neither of these had anything to do with counting the ballots; they merely stood at the check-list; the others I could not say what they were; I suppose they were republicans. I noticed they fought pretty well for Mr. Field. I don't know how carefully they counted; I know their tally always agreed with Mr. Swinson's and myself. I should say they were as competent a set of ward officers as I ever saw.

Int. 6. Did you or not find ballots with "stickers" or "pasters" for member of Congress attached?—A. Yes, sir; a number of them. In some instances they were not very well pasted, the corner was sticking up.

Int. 7. State whether or not, in your opinion, such "stickers" or "pasters" would be apt to fall off in handling the ballots?—A. My experience as a ward officer—I have been a ward officer in old ward 13—I have seen them fall off, and should think it would be so in this case, where they are handled by so many men.

Int. 8. Will you examine the exhibit marked "W. W.—D. 3," and say whether or not you found, when counting the votes in ward 18, any ballots of a like tenor?—A. I did find some; can't say how many. I should think thirty-odd.

Int. 9. At what time was it discovered by the ward-officers that ballots like Exhibit W. W.—D. 3, bearing the words "for member of Congress, fourth district, Walbridge A. Field," had been deposited in the ballot-box?—A. I don't know when the ward-officers discovered it, but it was brought to our notice between 1 and 2 o'clock, when Mr. Swinson was at dinner.

Int. 10. How many such ballots had been deposited at that time?—A. Seventeen bearing the name of Walbridge A. Field for Representative, without a scratch on the words "fourth district."

Int. 11. Will you state whether or not the fact that such ballots had been deposited was generally known in the ward-room about the time the fact was brought to your attention?—A. I had best make a statement here how the thing came round. The ballots were handed to us, and Mr. Swinson being at dinner, I didn't want to do anything with the counting those ballots until he came back. I told the warden that I shouldn't credit those to Walbridge A. Field of third district. I thought they were for another man. I told the warden that I didn't want to count those for Mr. Field, as I didn't know but what there was a man in the fourth district of that name that they wanted to vote for. The warden said he didn't think that made any difference. He wanted to make one thing of it and put down the whole return for Mr. Field. I told him he could do as he liked, make such return as he saw fit; but I should make a return to the United States commissioner of the votes just as I found them, and I said to him, you had better let those ballots lay aside until Mr. Swinson gets back from dinner and see what he thinks of it. Mr. Swinson came back, and I told him about these seventeen ballots that were cast for Walbridge A. Field, fourth district. He looked the ballots over and said he didn't know; he didn't think

that made any difference. I said to him, how do you know there is no Walbridge A. Field in fourth district, or that this wasn't the intention of the voters to throw those and by some trick or device beat Mr. Field of the third district. He said he didn't know, but he thought the intention of the voters was to vote for Walbridge A. Field of third district, and thought the thing was all right. I said to him, "I don't suppose the election of Mr. Field will hang on those seventeen votes, but there is no knowing what may happen to-day," so I told him then he could make his return as he saw fit, and I would make my returns as I found them. While this talk was going on quite loud, the ward-officers put in a word here and there—gave their opinion—the crowd outside gathered up round the rail, and it was generally known to everybody in the ward-room that this ticket was in the field and about the seventeen ballots that were thrown for Walbridge A. Field of the fourth district. The warden sent for Mr. McCleary, the city clerk. He said he didn't know as that made any difference; he thought the ballots were all right. I told Mr. McCleary I should use my own judgment in the matter, and they could do as they pleased. Finally, Mr. Swinson said he guessed they had better do as I said and make a separate return. Between that time and the closing the polls there were eight more of those ballots came in clean, without a scratch, no attempt made to rectify the mistake of the printer.

Int. 12. How late in the day did any of those ballots with the words "fourth district" unerased come in?—A. They came in, I think, up to the last batch of ballots we took out of the box. I can state they came in between two o'clock and the closing of the polls.

Int. 13. Were you or not present when the chief supervisor instructed the United States supervisors, appointed in the city of Boston, as to their duties upon election-day, November 7, 1876?—A. Yes, sir. I don't remember date exactly; it was a few days before election.

Int. 14. What instructions did he give the supervisors with respect to United States marshals?—A. His instructions were for supervisors to be very careful about their duty, and not to call the United States marshals behind the rail unless in case of disturbance, and one gentleman present asked him the question if there was a case of repeating or ballot-stuffing, and the answer was not to be very particular about that unless it amounted to considerable, or something to that effect. I don't mean it as strong as above stated; but question being asked if a man attempted to vote wrongfully, or something of that sort, he said not to be too strong, or not to interfere in a single case unless there was a plain intention to vote fraudulently. This was not when all the supervisors were present, but afterward when only myself and another man were there. We remained behind on account of some error in spelling our names, and there were two or three other men from other wards there.

Adjourned to 9.30, April 19.

APRIL 19.

Cross-examination by William G. Russell, esq., of counsel for the incumbent:

Cross-int. 1. Do you mean to say that after finding your count of any one package of ballots to agree with that of the ward-officers you counted that same package again and again and still found it to agree with the ward count?—A. In some cases, yes, sir; where the package would be a large bundle; where there was a small number of ballots and both counted and agreed we didn't count again.

Cross-int. 2 In how many cases did you so recount them?—A. I don't

know as I could state the exact number of cases; I know we did it a number of times.

Cross-int. 3. Did you in no case find that your count differed from that of Swinson or that of the ward-officers?—A. No, sir, in no case; always agreed.

Cross-int. 4. Did the ward-officers in any case pass over any package of votes to the United States supervisors before they had counted them themselves?—A. Not to my knowledge. After we got through with the ballots we used to put them in the box, with the exception of the seventeen prohibitory ballots; that one package was left out to settle the dispute.

Cross-int. 5. Did they, in any case, pass over any package to the supervisors unless both supervisors were present to receive them?—A. Yes, they passed one to my knowledge, but they were never counted until both were present; in the case that I remember they were passed to me, that was those seventeen votes. I remember no other case.

Cross-int. 6. At what time of the day was the first parcel of votes counted by the ward-officers and handed over to the supervisors to be counted; and how often from time to time were parcels of votes so counted and handed over?—A. I should say about an hour or an hour and a half or perhaps two hours after polls were opened, couldn't say exactly; as soon as the ward-officers got through with each package from time to time after that they passed them to us. I should say once every hour at least; probably less than that.

Cross-int. 7. Were all the votes that were cast counted in this way from time to time by the ward-officers and handed over to you in separate packages?—A. Yes, sir; to me or to Mr. Swinson.

Cross-int. 8. How long after the polls closed were the ward-officers and supervisors occupied in counting the votes?—A. I should say a half an hour or from twenty to thirty minutes. They declared the count after the polls were closed.

Cross-int. 9. How many votes remained to be counted when the polls closed, how many packages?—A. That I couldn't say, how many packages. I should say a package of republican, a package of democratic and a few prohibitory votes, and I believe a Cooper and Cary vote which came in at the last.

Cross-int. 10. Will you positively swear that there was a single prohibitory vote in the last lot of votes counted after the polls closed?—A. No, sir; I will not positively swear.

Cross-int. 11. How many separate packages of prohibitory votes were made up by the ward-officers and handed over to the United States supervisors during that day?—A. Not more than four, I should say.

Cross-int. 12. Will you positively swear that there were as many as three such packages?—A. I won't positively swear there was three. I will swear there was two, positively swear.

Cross-int. 13. How many prohibitory votes, in all, were cast that day in that ward?—A. I should think something in the neighborhood of thirty votes.

Cross-int. 14. Were there not more than forty prohibitory votes cast in your ward at the election?—A. I shouldn't want to swear there was.

Cross-int. 15. Will you swear there were not?—A. No, I won't.

Cross-int. 16. Will you swear there were not more than fifty such votes?—A. I don't think there was. I won't swear.

Cross-int. 17. Were not the packages of votes passed over to you as supervisors in order that you might count the votes for members of

Congress only?—A. That was all we had to count, had no business to count anything else.

Cross-int. 18. Did not the ward-officers indorse on each package of votes the number of votes as counted by them for Mr. Field and for Mr. Dean before you received them?—A. They did.

Cross-int. 19. Was the first package of prohibitory tickets which was handed over to the supervisors by the ward-officers that which was handed over to you while Mr. Swinson was at dinner?—A. Yes, sir; I believe it was.

Cross-int. 20. Will you positively swear that this was before two o'clock?—A. I will.

Cross-int. 21. Will you swear that it was before half past one?—A. No; I won't.

Cross-int. 22. How near to any precise time between half past one and two will you swear?—A. I will swear it was before two; to bring it to any precise time to a minute or two I can't swear, but will positively swear it was before two o'clock.

Cross-int. 23. How long was Mr. Swinson absent?—A. I should say something in the vicinity of half an hour—forty minutes.

Cross-int. 24. How long had he been absent when you say you discovered the printer's mistake?—A. I don't swear that I discovered a printer's mistake. I don't claim anything of the kind. I don't swear it was a printer's error or mistake, or whatever you have a mind to call it. Trick or device was my testimony.

Cross-int. 25. Have you not already in your testimony called it "the mistake of the printer?"—A. I mentioned a mistake of the printer, or trick, or device, whatever you see fit to call it.

(Question repeated.)

A. I don't think I have. I didn't mention it in the sense of a printer's mistake. I said printer's error, or whatever you see fit to call it.

Cross-int. 26. Do you now think it a printer's error or not?—A. No, sir; I don't think it a printer's error. I don't believe it was a printer's error. I believe it was a put-up job.

Cross-int. 27. Whose put-up job do you consider it to be—a republican or a democratic job?—A. That I wouldn't want to say, whether it was some of Mr. Field's republican enemies in the republican party, or some democrat.

Cross-int. 28. Can you name any one enemy of Mr. Field in the republican party?—A. There's a gentleman by the name of Minot, that I understand is a republican, that voted for Mr. Dean; — Miner—I am not prepared to give other names now. I suppose I could find plenty of them if I had an hour or two to look round.

Cross-int. 29. How long had Mr. Swinson been absent when you discovered the trick, or device, or printer's error?—A. I don't know. I should say half an hour or something round there.

Cross-int. 30. How soon after you discovered it did he return?—A. I answered that in a previous question; something about half an hour.

Cross-int. 31. Who is the Mr. Miner you have spoken of?—A. He lives in ward 14, South Boston.

Cross-int. 32. In Mr. Dean's ward?—A. I guess Mr. Dean lives in ward 14; I believe he does.

Cross-int. 33. Where in ward 14 does Mr. Miner live?—A. I think it is I or K street. I think near Fourth street. I have been at his house.

Cross-int. 34. What is his business?—A. That I couldn't say; never saw the gentleman but twice, at least to speak to him.

Cross-int. 35. When were you at his house?—A. Some time last fall.

Cross-int. 36. Please examine the Boston Directory issued July, 1876, now handed you, and see whether you find the name of any such Mr. Miner or Minot there.—A. I don't see it there.

Cross-int. 37. At what time and how many times and for how long a time were you absent from the ward-room on November 7, after the polls were open and before they were closed?—A. I went to dinner about half past twelve or quarter of one, and was gone about fifteen minutes—positively swear to it. I don't think I went outside the ward-room that day, except when I went to dinner. I went outside the rail a few times; stood there when they were counting, before they were ready to hand them over to supervisors.

Cross-int. 38. Where did you go to dinner?—A. Corner of Concord and Washington streets.

Cross-int. 39. Do you mean to swear that the warden sent for Mr. McCleary when you discovered the printer's error, trick, or device?—A. Yes, sir; he told me he would send for Mr. McCleary and see what McCleary said about it.

Cross-int. 40. Whom did he send?—A. I don't know.

Cross-int. 41. Where did he send?—A. I don't know. I supposed he sent for him down to city hall.

Cross-int. 42. Do you suppose so?—A. I believed at the time he did.

Cross-int. 43. How long did you believe so?—A. I believed it at that time, and I have believed it ever since. He didn't tell me where he was when he came there, and the warden didn't tell me where he was when he sent for him.

Cross-int. 44. Do you believe now that he sent to the city hall for Mr. McCleary?—A. That was Mr. McCleary's place of business, and I expect it was there he would send a messenger.

Cross-int. 45. Do you now believe that Mr. McCleary was at the city hall when the warden sent for him?—A. I have no reason to believe he was, and I have no reason to believe he wasn't; all I know was they sent for him and he came there.

Cross-int. 46. Did the warden send for Mr. McCleary before Mr. Swinson returned?—A. No, sir; he sent for him after Mr. Swinson returned.

Cross-int. 47. Did he send for him at all?—A. He said he was going to send for him.

Cross-int. 48. How long a time after Swinson returned did the warden say this?—A. As I stated yesterday, when Mr. Swinson came back there was a good deal of talk about the matter, and to settle it the warden said he would send for Mr. McCleary and see what he would say about it. I should say inside of fifteen minutes after Swinson returned.

Cross-int. 49. How long after the warden said this did Mr. McCleary appear?—A. I should think something round an hour.

Cross-int. 50. Was not Mr. McCleary a voter in ward 18?—A. I don't know whether he was or not.

Cross-int. 51. Did you never hear that he was a voter there?—A. I don't know as I did. I might have heard it.

Cross-int. 52. Did you not hear it on November 7?—A. I don't remember.

Cross-int. 53. Did you not know that he voted there that day?—A. I did not.

Cross-int. 54. Did not you hear that he so voted?—A. I did not.

Cross-int. 55. How long have you known Mr. McCleary?—A. I was

introduced to the gentleman this morning; have known him by sight five or six years.

Cross-int. 56. Where was he when you first saw him November 7, and who was with him?—A. He was at the right of the ballot-boxes, outside of the rail, standing in a crowd. I don't know who was with him. I know some of the gentlemen there.

Cross-int. 57. Do you know Mr. M. F. Dickinson, now present?—A. No, sir.

Cross-int. 58. Not by sight?—A. When I see him this morning I remembered seeing him before; didn't know what his name was until this morning.

Cross-int. 59. Did you see him, November 7, at the ward-room?—A. I wouldn't positively swear I saw him. I saw a gentleman resembling that man there.

Cross-int. 60. What causes you to remember seeing him, or a gentleman resembling him, there?—A. Just the same as I saw him standing in the ward-room, as I saw several others.

Cross-int. 61. Was he near Mr. McCleary when you first saw Mr. McCleary there?—A. I don't remember.

Cross-int. 62. Do you not remember seeing Mr. Dickinson at the ward-room for some hours that day?—A. No; I don't remember it.

Cross-int. 63. At what hours of the day are the largest number of votes thrown in ward 18?—A. I should think the rush was previous to two o'clock. It was a heavy vote, and I should say there was about the same rush until about one o'clock.

Cross-int. 64. Was there not a greater crowd at about two o'clock than at any other time?—A. Not that I remember.

Cross-int. 65. Was the voting suspended at any time during the day?—A. At intervals there would be no one at the ballot-box. The voting wasn't suspended.

Cross-int. 66. Was any announcement made of the state of the polls during the time the polls were open?—A. Not that I know of, to the public outside.

Cross-int. 67. Why not?—A. Because the law prohibits it—at least I understood it so.

Cross-int. 68. Did you so understand on the day of the election?—A. Yes, sir.

Cross-int. 69. Did you intend to observe the law in that respect?—A. I had nothing to do with it; didn't come under the law, as I understood.

Cross-int. 70. Did you consider yourself at liberty to state to any one outside the railing the state of the polls, or the number of votes cast for any candidate during the time of voting?—A. I considered it was none of my business to interfere one way or the other; didn't know there was anything to restrain me from telling if I saw fit.

Cross-int. 71. Did you not consider yourself subject to the law you have referred to?—A. No; I considered I was under the United States law that day; had nothing at all to do with State affairs.

Cross-int. 72. Did you consider yourself at liberty to violate the laws of the State?—A. No; I never do consider myself at liberty to do that.

Cross-int. 73. When did you first read the State law you have referred to?—A. I never read it.

Cross-int. 74. When did you first learn of it?—A. I think it was in 1873—1872 or 1873.

Cross-int. 75. Did you ever violate it?—A. I don't understand your question. When or where? That I decline to answer until you explain

your question; what you mean by violating that law. You are lawyers, and can tell me what violation is.

Cross-int. 76. In your answer to the 67th cross-interrogatory you have referred to a law which you suppose to prohibit something; have you ever done what you suppose that law to prohibit?—A. You read the law to me, what it prohibits, and I will answer the question. I stated before I never read the law, but heard there was one. [Question repeated.] I don't know what that law covers.

Cross-int. 77. Have you ever done what you *suppose* that law to prohibit or to cover?—A. I don't know what the law covers.

Cross-int. 78. Do you know what you *suppose* it to cover?—A. I understand that there is a law which prohibits the ward-officers from telling the state of the vote; that's all I know about the law.

Cross-int. 79. Did you ever violate that law as you now say you understand it?—A. I don't understand it, as I said before. I don't know what you call violation. As I said, you gentlemen know what that law covers; I do not.

Cross-int. 80. Did you at any time during the election of November 7, while you were acting as United States supervisor, state to any one outside the railing the number of votes of any kind that had been cast for any candidate?—A. That's something like it. I stated, "When I went outside the question was asked, 'How is Manning getting along?' I replied, 'He is running ahead of his ticket.'"

Cross-int. 81. Is that the only answer you can give to the inquiry?—A. I believe that covers the answer to the question that was asked me.

Cross-int. 82. Is that the only case in which you made any statement outside as to the state of the polls or the number of votes cast?—A. Yes, sir. I said, "We are throwing a pretty good vote here to-day; the democrats are turning out; a good many republicans must have jumped the fence."

Cross-int. 83. Have you now fully answered the inquiry made in the last interrogatory?—A. I guess I have.

Cross-int. 84. When Mr. McCleary came to the ward-room who submitted to him the question as to the votes cast for Mr. Field bearing the words "fourth district?"—A. I don't know.

Cross-int. 85. Did not you hear the question asked of him?—A. The first I knew of Mr. McCleary's presence the warden introduced him to me—says, "This is Mr. McCleary." The first I heard of it was what McCleary said, as I testified to yesterday.

Cross-int. 86. What did he say?—A. He said that he thought those twenty-five votes ought to be counted for Mr. Field of the third district. I asked him—I think that will cover the question—I asked him if he knew that those votes were intended for Walbridge A. Field of the third district, and how do you know that the men that threw those votes—hold on, those seventeen votes—I take that back—intended to vote for some other man by the name of Field in the fourth district; and he said he thought they ought to be counted for Field, Walbridge A. Field, of the third district, all the same. I told him that I would use my own judgment in the matter, and would return the votes as I found them; they might do as they liked.

Cross-int. 87. What did you mean to take back in your last answer?—A. What did I mean to take back? I wanted to know what I was talking about, you were writing so slow; I had to get you to read it over to know what I was saying. I have given you the truth, and nothing but the truth, twice.

Cross-int. 88. Can you state any more clearly than you have done

what you mean by the words "I take that back" in your answer to the 86th cross-interrogatory?—A. Will you please read the answer again? (Answer read.)

When I said those votes, I wanted to have it understood those seventeen votes that were discovered at that time in the early part of the day, and not those twenty-five votes discovered afterwards, to show that they had ample time to rectify their ballots, or notify their voters that there was a spurious ticket in the field, if it was such.

Cross-int. 89. Have you now given fully the reason why you took back something in that answer?—A. I have got nothing to take back. (Question repeated.) I merely wanted to show you, as I said before, that it was at the time those seventeen votes were thrown—I didn't want to cover it at the time those twenty-five were thrown—that would show McCleary came at the close of the polls.

Cross-int. 90. Do you mean to say that by what took place at your interview with Mr. McCleary, the people outside were notified that there was a spurious ticket in the field?—A. I mean to say that the conversation was loud enough to be heard all over the ward-room, and that the people crowded up around the rails, and that by knowing that gave them a chance to change, to fix their ticket, which they did not seem to do, as eight more of those ballots came in clean, without a scratch.

Cross-int. 91. Will you swear to the exact words which you used, or which Mr. McCleary used, in that interview?—A. No; I wouldn't swear to the exact words, word for word, but I will swear that is the substance of it.

Cross-int. 92. Will you swear that you used the words "seventeen votes" in that interview?—A. I will swear that the seventeen votes were cast at that time that Mr. McCleary came in.

(Question repeated.)

No; you want to trip me up, and I want to give it as I said it. What I said was that those votes hadn't ought to be counted, and by saying that I meant those seventeen votes, and whether I used the words "seventeen votes" I would not positively swear to.

Cross-int. 93. Did not Mr. McCleary advise the ward-officers that the votes, bearing Mr. Field's name, with the words "fourth district," should be returned separately, and did they not make their return in accordance with that advice?—A. I didn't hear him advise them, for the reason that I didn't pay much attention to what Mr. McCleary or the ward-officers said in the matter, for my mind was already fixed to return the vote as I found it.

Cross-int. 94. Did you not hear him make any statement to the effect that those votes ought to be returned separately?—A. I don't remember.

Cross-int. 95. When you spoke with Mr. McCleary did you know of any man named Walbridge A. Field other than the candidate for Congress in the third district; had you ever heard of any such other man; did you, in fact, believe that there was any such other man by that name?—A. I did not know and had never heard of any other man of that name. I believed it was a trick to defeat Mr. Walbridge A. Field.

Cross-int. 96. Who was the gentleman who remained with you after the other supervisors were instructed by Mr. Hallett, owing to the misspelling of your names?—A. I couldn't tell you.

Cross-int. 97. Did you not receive written or printed instructions from Chief-Supervisor Hallett?—A. There was printed matter in the certificate, and he gave verbal instructions himself.

Cross-int. 98. Did you hear his verbal instructions to the other supervisors?—A. Yes, sir.

Cross-int. 99. And then some further special instructions to yourself and the other gentleman whose name was misspelled?—A. No special instructions. A man merely asked a question, something about illegal voting, or attempting repeating, or something of that kind, and he said, "Well, I shouldn't be too particular, as it might provoke a quarrel or something else in the ward-room, and that we must guard against, and not call the marshals inside of the rail unless force was actually necessary to prevent fraud."

Cross-int. 100. What was the mistake made in spelling your name?—A. It was down Daniel J. My name is Daniel P.

Cross-int. 101. Did you call last evening at the house of Mr. Swinson, the other United States supervisor from ward 18 at the election of November 7, 1876?—A. Yes, sir.

Cross-int. 102. Did you see him?—A. Yes, sir.

Cross-int. 103. Had you seen him since the day of the election until last evening?—A. Yes, I saw him in the U. S. court the day we went to get paid, and saw him a few weeks ago in city-hall, and said, merely, "How do you do, Mr. Swinson?"

Cross-int. 104. How long have you resided in ward 18?—A. About three years last November.

Direct examination resumed :

Redirect int. 15. Have you read the State law referred to in answer to cross-interrogatory 67, which has just been brought to your notice, and will you now state whether or not its provisions apply to any other persons than the warden, clerk, and inspectors of the wards?—A. No, sir; it does not.

DANIEL P. SULLIVAN.

(The above testimony is objected to on behalf of the incumbent as not being in rebuttal of incumbent's evidence, and the cross-interrogatories are put *de bene esse*.)

Deposition of Hugh O'Brien.

APRIL 18.

HUGH O'BRIEN, a witness on behalf of Benjamin Dean, the contestant, being first duly sworn, in answer to interrogatories proposed by S. A. B. Abbott, esq., of counsel on behalf of contestant, testified as follows, viz :

Interrogatory 1. Please state your name, and whether or not you have previously testified in this case on behalf of the returned member.—Answer. Hugh O'Brien. I have previously so testified.

Int. 2. How many envelopes containing ballots were brought into the committee-room on Friday, the day upon which your committee began to recount?—A. There were five envelopes.

Int. 3. Will you state whether or not the full number of ballots, including those which bore a name of some person voted for as member of Congress and those which did not, can be ascertained from your memoranda and those of Mr. Stebbins?—A. I should think from my memorandum the full number could be ascertained. On the memorandum I made I put so many votes for Mr. Field, so many for Mr. Dean, so many scattering, and so many blanks, and by adding them up the full number

can be ascertained. My object in doing so was, if it was necessary, to compare the number of ballots cast with the number of names checked on the voting-lists. I couldn't say as to Mr. Stebbins's memorandum; I never really examined it, but I know that the number for each name and blanks corresponded on the two memoranda, his and mine; that is, we read them off and they agreed.

Int. 4. State whether or not your committee found in the envelope from ward 15 a challenged vote bearing Mr. Dean's name, and whether or not said vote was counted by your committee for Mr. Dean?—A. We found a challenged vote in ward 15 for Mr. Dean. As I remember it, we made a memorandum at the time, with the understanding that if it was necessary to count either Mr. Field or Mr. Dean in we should decide on the matter of the challenge; if it was not necessary to alter the result, we didn't trouble ourselves about it. Those votes generally come in an envelope marked "challenged." It wasn't counted for Mr. Dean by us.

Int. 5. State whether or not your committee found in the envelope from ward 16 a challenged vote bearing Mr. Dean's name, and whether or not said vote was counted by your committee for Mr. Dean.—A. In ward 16 we found a party challenged as having voted twice; that is, as having his name checked when he went to vote. I should say it was not counted for Mr. Dean.

Int. 6. Will you state whether or not the question whether or not the challenged vote from ward 16 should be counted was ever referred to Mr. Stebbins for a decision; and whether or not, after a night's consideration of the question, he decided that said vote should be counted for Mr. Dean, and the vote was thereupon counted?—A. There was a question of a challenged vote referred to Mr. Stebbins. My impression that he did so consider and report as asked; I couldn't say as to the vote's being counted; I should say it was not counted—after my examination of my memoranda and the report of the committee.

Int. 7. Did your committee take any evidence with regard to the challenged votes above referred to?—A. We took no evidence.

Int. 8. To what political party does Mr. Samuel F. McCleary, the city clerk, belong?—A. That's a question I couldn't answer. I think he is very indifferent about such matters. I never heard him express an opinion about those matters.

Int. 9. Have you made examination at the city hall, and can you now state whether or not you signed any book containing the record of the vote in the third district on November 7 last past?—A. I have made an examination in the city hall and have ascertained that I only signed the report of the committee and the report to the secretary of state, or governor and council.

Int. 10. Can you state when the ballots in the wards numbered 9, 10, 11, 12, in the fourth district, and wards numbered 19, 20, 21, in the third district, were counted by your committee for State senator; and when the ballots in ward 1, in fourth district, and wards 13, 14, and 19, in third district, were counted by your committee for member of the legislature?—A. I was not on that count. When the committee found the work was so extensive they called in assistance, and these assistants counted, according to my recollection, the ballots enumerated. I couldn't say in what order they counted. We commenced counting on Friday, and they commenced on Saturday, I think. I couldn't say whether all those ballots were counted that evening. Should say it would be an impossibility to count all those ballots in one evening.

Int. 11. Whether or not were all these wards counted before Monday,

the 13th of November?—A. It appears from the records here that the votes of 4th and 7th senatorial districts were counted previous to that Monday—the remarks made by Alderman Stebbins as reported in that record indicate they were counted before Monday. There is something there that Alderman Stebbins could explain better than I could—under instructions from city clerk or somehow Mr. Stebbins made the remark. I do not think these votes had been then counted; it is a mystery to me; and I don't mean to say anybody instructed Mr. Stebbins. I hereby offer a printed report of proceedings of board of aldermen upon November 13th. (The same is hereto annexed, marked "W. W.—19.")

Int 12. What wards composed the fourth and seventh senatorial districts, and what the 1st, 13th, 14th, and 19th Suffolk representative districts?—A. The 4th senatorial, ward 9, 10, 11, 12, in fourth congressional district; seventh senatorial, wards 19, 20, and 21. Each representative district consists of a ward of a corresponding number. Ward 1 is in fourth congressional district.

Int. 13. Did your committee compare the number of votes found in the envelopes from the several wards with the number of names checked upon the check-lists or tally-sheets in those wards?—A. We did not.

Int. 14. Who were the candidates for Representative to Congress in the fourth district at the election held November 7, 1876?—A. Leopold Morse and Rufus S. Frost.

Cross-examination by William G. Russell, esq., of counsel for incumbent:

Cross-int. 1. Do you understand that the challenged votes in wards 15 and 16 referred to in your 4th and 5th answers had been counted in the ward counted or not?—A. I don't understand anything about it; it's a matter we didn't give any attention to. I don't know the custom in such cases.

HUGH O'BRIEN.

(The above testimony is objected to on behalf of Mr. Field, the incumbent, as not being in rebuttal of incumbent's evidence, and the cross-interrogatories are put *de bene esse*.)

Deposition of Patrick M. Denon.

APRIL 19.

PATRICK M. DENON, a witness for Benjamin Dean, the contestant, being first duly sworn, in answer to interrogatories proposed by S. A. B. Abbott, esq., of counsel on behalf of the contestant, testified as follows, viz:

Interrogatory 1. Please give your name, age, residence, and occupation.—Answer. Patrick M. Denon; thirty-nine; 104 Dover street, ward 16, Boston, Mass.; furniture and carpet dealer.

Int. 2. What office, if any, did you hold in ward 16 on November 7, 1876?—A. Inspector.

Int. 3. Were you present at the polls during the day, and did you attend to your duties as inspector?—A. Yes, sir; I was there from the time they opened until they closed, and everything was counted and sealed and delivered to the man to be carried to city hall.

Int. 4. How many of the ward officers in ward 16 were republicans and how many democrats?—A. Two inspectors and clerk were demo-

crats, and the warden and four inspectors were republicans. I think there were four, two appointed and two chosen.

Int. 5. How long have you lived in the district which now forms ward 16?—A. About fifteen or sixteen years, I should judge.

Int. 6. What political party had control of said ward prior to November 7, 1876?—A. Republicans always since I have voted or had anything to do with politics.

Int. 7. What party obtained control of that ward on November 7, 1876?—A. Democratic.

Int. 8. State whether or not there was a vigorous contest between the democrats and republicans on November 7, 1876, for the control of said ward?—A. Yes, sir, there was; very much so.

Int. 9. How was the election conducted on November 7, 1876, by the ward officers in said ward?—A. Very straight, honorable, and correct, as far as I could see; each party watched each other very closely, and I haven't heard of any dishonest action on either side.

Int. 10. Have you ever heard of any error having been made in that ward in the count of votes for any candidate voted for?—A. I heard a rumor since election-day of an error being made. I understood that Mr. Dean's vote didn't correspond with the check-list and ballots in the ward-room after being counted by the aldermen; that it wasn't correct as we made it out at the time.

Int. 11. Before the recount was made by the aldermen, did you hear or know of any error being made in the count of votes in ward 16?—A. After they had counted the ballots and the inspectors the check-list, there was a variation of one or two votes between them, and we counted the ballots two or three times—I did myself and others—to see if we could discover the error, and afterwards the clerk and warden told us they had discovered the error and corrected it. This was after the polls were closed and before they had made up their accounts.

Int. 12. What was the whole number of votes cast in ward 16, on November 7, 1876?—A. Fifteen hundred and thirty-seven, as I got it.

Int. 13. How did you obtain that number? State all the circumstances.—A. After the polls were closed, as the clerk and warden were filling out the votes for different candidates, I took this slip of paper and copied the different candidate's votes on it as I got it from the warden and clerk as they were putting them down on the list to be returned to city hall. I mean whole number of ballots cast in the ward.

Int. 14. Whether or not there were many "stickers" or "pasters" used on the day of election?—A. Something I noticed unusual on that day; so many cut off the top of the republican ticket, containing the President and Vice President and electors, and pinned it over the top of democratic ticket.

Cross-examination by William G. Russell, esq., of counsel for the incumbent.

Cross-int. 1. Will you produce and annex to this deposition the memorandum from which you have testified to the whole number of ballots cast in ward 16 on November 7, 1876?—A. I produce it; that is as I got it at the time. (The same is annexed, marked "W. W.—1.")

Cross-int. 2. In whose handwriting is it and when was it made?—A. In my own; it was made after the polls closed, while they were filling out the list to send to city hall.

Cross-int. 3. From whom did you derive the number of votes against each name on the memorandum?—A. Part of the time Mr. Wetherbee,

the warden, would tell me, and part Mr. Hunting, the clerk, just as I happened to ask either.

Cross-int. 4. Do you know how nearly any one of the numbers attached to each name corresponds to the number of votes for each candidate, as the same were returned by the ward officers?—A. I couldn't say, because I didn't see the list to know the figures; they were writing them while I was there, and gave them to me.

Cross-int. 5. Did you never see the lists and compare them, or any of them, with your own memorandum?—A. No, sir; I did not.

Cross-int. 6. When did you first show this memorandum to any one, and to whom have you shown it?—A. I made copies of it after the vote was declared for several friends who were present, and one held my list in his hands and called it off as I wrote, and I showed it to several friends in the evening, and then put it in my pocket-book and thought no more of it until Mr. Dean called upon me. I didn't think I should need it or want any more of it; didn't know as I had it then till after I hunted it up.

Cross-int. 7. Who gave you the whole number of votes thrown as 1,537?—A. I can't say; I think Mr. Wetherbee; am not certain whether he or Mr. Hunting; am pretty sure it was Wetherbee; am certain it was he.

Cross-int. 8. Can you now positively swear that Mr. Wetherbee did not say 1,527?—A. I cannot; had rather swear 1,537 every hour in the day.

Cross-int. 9. How do you account for the fact that the whole number of votes for governor on your memorandum is only 1,517 if there were 1,537 ballots thrown?—A. I didn't figure up anything different from what I have got on the list; as he gave out the numbers I put them down, and I didn't look it over or figure it up; never thought of since, not even since Mr. Dean called on me.

Cross-int. 10. How do you account for the fact that by your memorandum there are only 1,481 votes for member of Congress, if there were 1,537 ballots thrown?—A. I can't account for it; all I can go by is that list.

Cross-int. 11. At how many different times during the day were the ballots taken from the boxes in order that they might be counted?—A. That I couldn't answer. At one time, once in from five to fifteen minutes; it was so between 12 and 3 o'clock; in the morning it might be once in half or three-quarters of an hour; later it was every fifteen minutes or so.

Cross-int. 12. What is the most busy hour in the day for receiving votes?—A. Generally from 12 to 3, or 12 to 1; that day it was from 12½ to 3½; it was a stormy day, and most of the workmen made a half-day of it after dinner.

Cross-int. 13. At that time of the day do the officers who count the votes keep up with the voters who deposit them?—A. They didn't that day; they got little overrun, couldn't count them quite so fast for a short time.

Cross-int. 14. How long after the polls closed was occupied in counting votes?—A. Appears to me close on an hour or that vicinity. I shouldn't think it took over an hour to count the ballots, but it was nearly 8 o'clock before we got all through and left the ward-room.

Cross-int. 15. Did you assist in counting the votes?—A. No, sir; I did not. I had charge of ballot-box all day.

Cross-int. 16. Were you not yourself, on this examination, asked more than once whether you said 1,537 or 1,527 in stating the whole number or votes thrown?—A. Yes, sir; I was. I don't recollect being asked but once; that was by Mr. Russell.

Direct examination resumed :

Redirect int. 1. Do you remember any case where a "sticker" was so insecurely fastened to the ballot that the warden wet it to make it stick more securely?—A. I have very strong recollections of seeing him do it more than once.

PATRICK M. DENON.

(The above testimony is objected to on behalf of Mr. Field, the incumbent, as not being in rebuttal of incumbent's evidence, and the cross-interrogatories are put *de bene esse*.)

Deposition of Herman Bisbee.

APRIL 19.

HERMAN BISBEE, a witness for Benjamin Dean, the contestant, being first duly sworn, in answer to interrogatories proposed by S. A. B. Abbott, esq., of counsel for contestant, testified as follows, viz :

Interrogatory 1. Please state your name, age, residence, and occupation.—Answer. Herman Bisbee; forty-five; 16 Florence street, Boston, Mass.; clergyman.

Int. 2. Where did you live in November, 1876?—A. 127 K street, ward 14.

Int. 3. Were you or not a voter in said ward 14 on November 7, 1876, and did you then and there vote?—A. I was and did.

Int. 4. For whom did you vote for member of Congress?—A. Benjamin Dean.

Int. 5. Will you describe the manner in which Mr. Dean's name was put upon the ballot which you voted?—A. I was somewhat in a hurry at the time of voting, and living two blocks away from the voting-place, I went and got several votes and took them home and selected from other tickets certain names that I wished to vote, using the republican ticket as a basis, and then mixed a little paste of flour and cold water and put these names over the names on the republican ticket, not erasing the names on that ticket, and while the ticket was yet damp I voted it and came to the city. The thought occurred to me at the time that it was not carefully prepared, and when, afterward, I saw the state of the case between Mr. Dean and Mr. Field, it occurred to me again as to the manner of my voting, and I suggested it to Mr. Dean, on the supposition that those ballots were preserved, and I could identify my ballot. I cut Mr. Dean's name out of a ticket where the name was printed about the size of Mr. Field's. I think it was the regular democratic ticket, but cannot say certainly. I should not want to swear it was that ticket. I put Mr. Dean's name over Mr. Field's name in a way that if it came off it would appear as if I voted for Mr. Field.

Cross-examination by William G. Russell, esq., of counsel for incumbent :

Cross-int. 1. How many names did you paste upon your ticket that day besides that of Mr. Dean?—A. I couldn't state. I think—I remembered Mr. Dean's particularly, because Mr. Dean was local right there—there were several I pasted over, but I couldn't state the exact number.

Cross-int. 2. State as nearly as you can, and what other names you pasted over.—A. I am so little of a politician I don't even know the

offices. I don't even remember the names of the candidates. If I could see a ticket I could tell some of them. Some I had heard of favorably, and some republicans I didn't wish to vote for.

Cross-int. 3. Do you remember any persons for whom you voted, or their offices?—A. I voted for Charles Francis Adams. I know I voted for Mr. Manning; don't know whether it was pasted on or not. I am reasonably certain that I voted for Mr. Plunkett.

Cross-int. 4. Have you ever pasted your vote before that election?—A. I never voted but once without pasting that I remember, and that was the first time I ever voted.

Cross-int. 5. And have you always, or usually, made your own paste?—A. I do not now remember of having done so before but once.

HERMAN BISBEE.

(The above testimony is objected to on behalf of Mr. Field, the incumbent, as not being in rebuttal of incumbent's evidence, and the cross-interrogatories are put *de bene esse*.)

Deposition of William Swinson.

APRIL 19.

WILLIAM SWINSON, a witness for Benjamin Dean, the contestant, being first duly sworn, in answer to interrogatories proposed by S. A. B. Abbott, esq., of counsel for contestant, testified as follows, viz:

Interrogatory 1. Please state your name, age, residence, and occupation.—Answer. William Swinson; fifty-nine; 76 Rutland street, ward 18; merchant; am out of business now.

Int. 2. What office, if any, did you hold on November 7, 1876?—A. United States supervisor in ward 18, to represent the republican party. I had lived in the ward thirty-five years; have been warden and inspector when it was old ward 11; have not been much of a politician since the old whig party.

Int. 3. Did you attend at the polls on that day, November 7, 1876, and discharge your duties?—A. I did.

Int. 4. Did you carefully count the ballots cast for Representative to Congress in that ward?—A. I did.

Int. 5. Did Mr. Sullivan, the other United States supervisor, also carefully count the same ballots?—A. I think he counted a good part, or was there present most of the time. I can't say whether he personally counted all the votes; I have an impression that he did.

Int. 6. What ward officers counted the ballots for member of Congress?—A. The warden—I think only one person at a time, with the assistance of the clerk—they kept a very correct method, a regular debit and credit account, so that there was no chance for mistakes. One inspector also counted, and as they were counted they were passed to our table and we counted. The whole counting was done by two persons at a time; the others were attending at the boxes.

Int. 7. Did the counts made by you and Mr. Sullivan agree with that made by the ward officers?—A. They did.

Int. 8. How long have the warden and clerk been ward officers in ward 18?—A. That I cannot state positively; I think three years.

Int. 9. Were they or not persons fitted for performing the duties required of a warden and a clerk?—A. I think they were; have no doubt of it.

Int. 10. Have you or not ever heard of any error or mistakes being made by them, or by the supervisors, on November 7, 1876?—A. No; I have not.

Cross-examination by William G. Russell, esq., of counsel for the incumbent:

Cross-int. 1. Do you remember the tickets thrown at the election November 7, in ward 18, containing the words "fourth district" before the name Walbridge A. Field?—A. Yes, sir.

Cross-int. 2. How and by whom was the error in those tickets discovered?—A. I think they were discovered by the clerk first, Mr. Albree. The attention of the warden, I think, was called to it by him, and from him we received our information, I think—I did—that there was such a ticket. Different opinions were expressed then as to what should be done with the ticket. Mr. McCleary came in to vote then, and it was proposed to have his opinion on the manner the returns should be made, and he gave his opinion—took the votes in his hand—that it should be given as the votes represented, Field for the third district and Field for the fourth district, and they were returned accordingly by the warden in his return at the close of the meeting; I mean they were declared separately at the end of the meeting.

Cross-int. 3. At the time this ticket was discovered how many such ballots had been thrown containing the words "fourth district"?—A. Twenty-five.

Cross-int. 4. Were there any such ballots bearing the words "fourth district" thrown after the discovery was made in the ward-room?—A. I think not; that's my impression.

Cross-int. 5. How was the error corrected after it was discovered?—A. I don't think there were any of those prohibitory votes cast after that, because it was generally known in the ward-room that there was such a ticket in the market, and people looked out for it.

Cross-int. 6. Was there any time that day when you or any one else, as far as you know, counted those votes bearing the words "fourth district" and found that there were seventeen of them?—A. I don't recollect any such count.

Cross-int. 7. When did you first hear the number seventeen mentioned in relation to such votes?—A. The first I heard of it, I think, was yesterday, and then it was a passing expression from Mr. Sullivan, the other supervisor. I didn't attach any weight to it.

Cross-int. 8. Were there any votes cast that day in which the word "fourth" was erased and the word "third" inserted?—A. I have an impression there were a few.

Cross-int. 9. Did you go to dinner on the day of the election during the time the polls were open?—A. I did not. I was absent for a short time, but not at dinner.

Cross-int. 10. How long were you absent during the entire time the polls were open?—A. Fifteen minutes, I should say, all together.

Cross-int. 11. Did you hear of any one sending for Mr. McCleary to come to the ward-room to give an opinion or advice about the votes?—A. I did not. There might something of that kind have been expressed, but there was no decision about it. He was there but a very few minutes.

Cross-int. 12. Was he a voter in that ward?—A. I think he was. I am not certain whether he was in ward 17 or ward 18. I don't think he would have been there if he hadn't been a voter there.

Cross-int. 13. Did you at the time that ticket was discovered, or during

any discussion that took place about it, hear any suggestion that it was anything but an error of the printer?—A. Not at that time, I did not; not that day.

Direct examination resumed:

Redirect int. 11. When the votes referred to in cross-interrogatory 1 were first discovered was there not some discussion among the supervisors and ward officers as to whether or not a separate return of them should be made?—A. There was, as I have stated before, a general expression of opinion as to what should be done, and Mr. McCleary came in at that time and it was left to Mr. McCleary to decide, and his decision was final.

Redirect int. 12. Did not Mr. McCleary say that the votes should be counted for Mr. Field?—A. I think not. I don't think he gave any opinion except how the returns should be made.

Redirect int. 13. Have you been talking with Mr. Dickinson or any other person representing Mr. Field since last night?—A. Nothing more than Mr. Dickinson called on me this morning and asked me to come down here for examination. I came and stopped a few minutes and then left.

Redirect int. 14. Were you not summoned to appear here and testify by Mr. Dean?—A. I was.

Redirect int. 15. With whom have you talked with reference to these ballots since last night, and where were such conversations had?—A. No one that I know of except Mr. Dickinson. A few words might have passed between us at my house. He may have said something about it here this morning when I saw him, but it didn't impress my mind very much; didn't expect to be called upon, and what I may have said to Mr. Abbott.

Redirect int. 16. Did you ever say that Mr. McCleary, when asked his opinion with reference to the ballots referred to in cross-interrogatory 1, said they should be counted for Mr. Field?—A. If I did, I didn't say it with that meaning. There was a remark made by Mr. Abbott; I thought of it afterwards; he might think that I gave him an impression that Mr. McCleary thought they should be counted for Mr. Field. My intention was to convey the fact that he thought they should be counted for Mr. Field of third district and Mr. Field of the fourth. I don't think there was any such question asked him, whether they should be counted for Mr. Field among the regular ballots.

Cross-examination resumed:

Recross-int. 14. When did you receive your summons from Mr. Dean, before or after you came down here this morning and talked with Mr. Dickinson?—A. After; I received it about twelve o'clock to-day; I found it when I got home, and came directly down here again. When I first came I came at Mr. Dickinson's suggestion, and the second time in response to the summons.

WILLIAM SWINSON.

[The above testimony was objected to on behalf of Mr. Field, the incumbent, on the ground that it was not in rebuttal of incumbent's evidence, and the cross-interrogatories herein were put *de bene esse*.]

Deposition of John A. Furey.

APRIL 19.

JOHN A. FUREY, a witness for Benjamin Dean, the contestant, being first duly sworn, in answer to interrogatories proposed by S. A. B. Abbott, esq., of counsel for contestant, testified as follows, viz :

Interrogatory 1. State your name, age, residence and occupation.—Answer. John A. Furey ; twenty-seven ; Boston, Mass. ; clerk ; ward 16.

Int. 2. What office, if any, did you hold in ward 16 on November 7, 1876 ?—A. Deputy United States marshal.

Int. 3. Who was chief marshal in your ward ?—A. Frederick Wilkins.

Int. 4. Where was Wilkins stationed during the day ?—A. Both inside and outside the rail.

Int. 5. To what political party did Wilkins belong ?—A. Republican.

Int. 6. Will you state whether or not the election was carefully conducted in ward 16 on November 7, 1876 ?—A. I don't think it was.

Int. 7. In what respect was it not carefully conducted ?—A. There were parties behind the rail who had no business there. The ballots, after being taken from the ballot-boxes and checked off on the book, were placed upon the end of a table in packages of a hundred, so that any person who felt disposed to might have abstracted some of them, and the warden during the day threatened several different times to resign.

Int. 8. Do you mean by "checked off on the book," in your last answer, "counted ?"—A. Counted.

Int. 9. Why did the warden, Dr. Wetherbee, threaten to resign ?—A. I will correct that statement ; it was the clerk I should have said ; it was on account of the confusion in the ward-room.

Int. 10. What was the whole number of ballots cast in ward 16 on November 7, 1876, if you know ?—A. One thousand five hundred and thirty-seven, according to the voting-list.

(Objected to as being an answer relating to a document not produced.)

Int. 11. Were the ballots in ward 16 all carefully counted and the full number ascertained ?—A. I think they were.

Cross-examination by Wm. G. Russell, esq., of counsel for the incumbent :

Cross-int. 1. By whom ?—A. By the warden and the supervisors.

Cross-int. 2. By any one else ?—A. I think not.

Cross-int. 3. Did not the clerk count them ?—A. I did not see the clerk count them.

Cross-int. 4. Did you see the warden count them ?—A. I did.

Cross-int. 5. All of them ?—A. Not all of them.

Cross-int. 6. Did you not see the clerk count any of them ?—A. No.

Cross-int. 7. Nor any of the inspectors ?—A. None of the inspectors.

Cross-int. 8. Who is the clerk ?—A. Charles B. Hunting.

Cross-int. 9. Who were the inspectors ?—A. Don't know all their names.

Cross-int. 10. Do you know any of them ?—A. Yes.

Cross-int. 11. Please answer the question, then, so far as you can.—A. Patrick M. Denon, Harry Neil ; those are all I know ; the others are republicans, and I don't know who ; I think they are republicans.

Cross-int. 12. Did you see the supervisors count all the votes ?—A. I did.

Cross-int. 13. Did each of them count all the votes in your presence ?—A. They did.

Cross-int. 14. Who were the supervisors?—A. Abraham Lamb, John Daly.

Cross-int. 15. Where were you stationed during the voting?—A. In the ward-room.

Cross-int. 16. Is that, in your opinion, an answer to the question proposed?—A. Well, yes, sir, I do. I had no particular station assigned to me in the ward-room.

Cross-int. 17. Were you, during the day, in any particular part of the ward-room, or in all parts of it at times?—A. I was close to the ballot-boxes.

Cross-int. 18. At all times of the day?—A. With the exception of a half an hour at one time and about twenty minutes at another.

Cross-int. 19. At what parts of the day were those intervals?—A. The first time was about midday, and the second between half past 1 and 2 o'clock.

Cross-int. 20. Were no votes counted during that half-hour and that twenty minutes?—A. I could not say.

Cross-int. 21. How long did you remain in the ward-room after the polls closed?—A. I remained there until the ballots had all been counted, placed in their box and taken in charge by a constable.

Cross-int. 22. At what hour of the day did you leave?—A. I don't remember, but think it was in the neighborhood of 6 o'clock; it might possibly have been later, but it was not earlier.

Cross-int. 23. Where were the ballots when they were counted by the warden?—A. They were on an open table in rear of the rail.

Cross-int. 24. How large a table?—A. I should say between 10 and 12 feet long and about 3 feet wide, I think.

Cross-int. 25. What was done with them after they were counted by the warden?—A. They were put on the farther end of the table from where the warden counted them.

Cross-int. 26. In packages of any given number?—A. Each package when they were placed there was supposed to contain one hundred.

Cross-int. 27. To whom were they passed after they were so placed on the table in packages?—A. The next time that I saw them handled the supervisors were counting the number of ballots.

Cross-int. 28. When did the supervisors begin to count and where did they count?—A. They commenced to count just before the polls closed, and counted them at that table.

Cross-int. 29. Do you mean to swear that the supervisors did not begin their counting till just before the polls closed?—A. That was the first time I saw them counting.

Cross-int. 30. Do you not know that they had been counting for hours before that time?—A. I do not know.

Cross-int. 31. Do you know that they had not?—A. I don't think they did.

(Question repeated.) No, I don't care about swearing to anything my memory aint clear on.

Cross-int. 32. Then if they or either of them so swear, would you believe it or not?—A. I don't think I would believe it. My memory is not very clear on the subject of their counting during the day, during the balloting. I think they commenced just before polls closed. I remember of Supervisor Daly counting, and requesting Supervisor Lamb to count after him. Lamb, in counting the ballots that were supposed to be straight found among the number ballots that had been scratched; they were handed by him to the clerk, and the clerk in return handed

him straight ballots out of those that had been cast, to make up the package of one hundred.

Cross-int. 33. Do you mean to say that you would not believe Mr. Daly or Mr. Lamb if they should testify that they began to count the ballots as they were made up into packages of one hundred, and counted them from time to time during the day?—A. What I mean to say in regard to their counting them was that I did not see them count them until after they had been made up in packages of one hundred; and the first time that I saw them counting was, as I said before, just before the closing of the polls. The ballots remained in sight of every person in the ward-room up to that time, and any person could tell about how the election would go in that ward.

Cross-int. 34. Did Mr. Daly and Mr. Lamb each examine the face of every ballot, as well as count the number of the ballots?—A. I think they did; yes.

Cross-int. 35. What was done with the packages of ballots after Mr. Lamb and Mr. Daly counted them?—A. They were folded and tied, and placed in the box.

Cross-int. 36. All at or about the same time?—A. One pile after another; according as they counted them, they were folded and put in the box. I want to correct that; they were folded, tied, and piled upon the table.

Cross-int. 37. Did they put each package in the box as soon as it was counted, folded, and tied; or did they count, fold, and tie up all the packages before any of them were put in the box?—A. They did the latter.

Cross-int. 38. Who attended to folding, tying, and boxing the ballots?—A. There were so many behind the rail at that time that I could not positively say who did do it.

Cross-int. 39. At what time of the day was it done?—A. I think it was a little after 4.

Cross-int. 40. Who were behind the rail at the time?—A. All the inspectors, supervisors, clerk, warden, and all the marshals.

Cross-int. 41. Including yourself?—A. Yes.

Cross-int. 42. Was this after or before the polls were closed?—A. They were behind there previous and after the polls closed.

Cross-int. 43. Were you behind the railing before the polls closed?—A. I was.

Cross-int. 44. How long before?—A. Couldn't state exactly.

Cross-int. 45. What were you there for?—A. I was over at the stove drying myself—my feet.

Cross-int. 46. How had you wet them?—A. I had a pair of light shoes on, and the ward-room was all muddy.

Cross-int. 47. How much were you behind the railing during the day?—A. I was behind several times; what I mean by being behind the railing was not being behind the railing proper, where the ballots were being received and counted, but behind an end of the railing where no business was carried on.

Cross-int. 48. What did you refer to in your answer to the thirty-eighth cross-interrogatory, the railing proper or the railing you now speak of?—A. At that time we were all behind the railing proper.

Cross-int. 49. Where was the stove; behind the railing proper, or otherwise?—A. Otherwise.

Cross-int. 50. Who were the parties behind the rail who had no business there?—A. All the deputy marshals, including the chief marshal, he was there the greater part of the day.

Cross-int. 51. Do you mean to say that the marshal and deputy marshals had no business behind the railing?—A. I don't think they had.

Cross-int. 52. Yet you went behind yourself, did you not?—A. I did.

Cross-int. 53. Have you seen the check-lists of ward 16 since November 7, 1876?—A. I have not.

Cross-int. 54. Did you count the checks on those lists on the 7th of November?—A. I did not.

Cross-int. 55. Who gave you the number 1,537 which you have sworn to?—A. I heard the warden say so,

Cross-int. 56. Read the tenth direct interrogatory and your answer to it, and state whether in your opinion your answer to that question is a fair, honest, and true answer.—A. I think it is.

Cross-int. 57. Do you think you know what the voting-list of ward 16 shows as to the whole number of ballots thrown at the election of November 7?—A. At the present time I don't know what it shows.

Cross-int. 58. Did you ever know what it showed?—A. From hearsay just before the polls closed—at least just after they closed—you couldn't count them before the polls closed.

Cross-int. 59. Did you see any one count the check-list?—A. I did.

Cross-int. 60. Who counted it?—A. Mr. Denon, I think. The lists were counted separately by the different inspectors.

Cross-int. 61. Did not Mr. Denon count the whole and make a record of it?—A. He may have counted the whole and made a record of it, but I have no knowledge of his doing so.

Cross-int. 62. Did you not see his record or his figures?—A. I did not.

Cross-int. 63. Did you not hear him make a statement of the whole number of ballots?—A. I may have heard him say so on the night of the election; will not say positively that I did or did not.

Cross-int. 64. Did you not see him furnish copies of his figures to several persons?—A. I have no recollection of it.

Cross-int. 65. To what political party do you belong?—A. Democratic.

Cross-int. 66. Where do you now live?—A. Boston.

Cross-int. 67. Where in Boston?—A. Oneida street, No. 28.

Cross-int. 68. How long have you lived where you now live?—A. I first went to live there sixteen years ago; have been in the Army and Navy, and all over the world during that time.

Cross-int. 69. When did you last return to live there?—A. Seven years ago; in that time have spent five months in Europe.

Cross-int. 70. Have you lived there steadily the last seven years, except that five months?—A. I have.

Cross-int. 71. In whose employ are you now a clerk?—A. Am not in employment now.

Cross-int. 72. How long since you have been so?—A. One year; that is, in regular employment. At present time I collect bills for several physicians in this city.

Cross-int. 73. In whose regular employ were you last, and how long?—A. Benjamin Callender & Co.; about eighteen months, I think; left there, I think, a year ago last September.

JOHN A. FUREY.

(The above evidence was objected to on behalf of Mr. Field, the incumbent, as not being in rebuttal of incumbent's evidence, and the cross-interrogatories are put *de bene esse*.)

Deposition of Crosby F. Woodman.

APRIL 20.

CROSBY F. WOODMAN, a witness for Benjamin Dean, the contestant, being first duly sworn, in answer to interrogatories proposed by S. A. B. Abbott, esq., of counsel for the contestant, testified as follows, viz:

Interrogatory 1. Please state your name, age, residence, and occupation.—Answer. Crosby F. Woodman; forty-four; Boston, Mass.; ward 20; mason.

Int. 2. Where did you live on November 7, 1876; in what ward?—A. I lived in ward 20.

Int. 3. In what ward, if any, were you entitled to vote on November 7, 1876?—A. Ward 18.

Int. 4. Did you vote in ward 18 on November 7, 1876?—A. I did.

Int. 5. About what time in the day did you vote?—A. Somewhere from 9 to 10 o'clock in the forenoon.

Int. 6. What ticket did you vote?—A. The prohibitory ticket.

Int. 7. For whom did you vote for President and Vice-President?—A. For Hayes and Wheeler.

Int. 8. What was the color of the ticket you voted?—A. That I couldn't say.

Int. 9. For whom did you vote for member of Congress?—A. I couldn't swear to that at all; they say that Walbridge A. Field, or Mr. Field, was on the ticket; I don't know anything about it; I voted for Hayes and Wheeler; I had no interest in it; didn't look after it at all; I only cared for President and governor.

Int. 10. Did you intend to vote for any Representative to Congress?—A. No, sir, I did not; that is, I had no particular one to vote for.

Int. 11. Did you, or not, ever know Mr. Field or ever hear of him before you voted?—A. I did not, sir.

Int. 12. Did you, or not, intend when you voted to vote for Mr. Field for Representative to Congress, third district?—A. I had no interest in the matter whatever; I didn't look for any names except for President or governor. I should have voted the ticket just the same if it had been Pat Finnegan instead of Mr. Field. I never scratch a ticket except in municipal elections.

Int. 13. Your only interest, then, was in the candidates for President and Vice-President and governor and lieutenant-governor?—A. That's all, sir.

Cross-examination by Wm. G. Russell, esq., of counsel for the incumbent:

Cross-int. 1. Why did you take especial care to vote for Hayes and not Tilden?—A. In a certain sense I never was what you may call a democrat; neither was I a republican, as far as that is concerned. I had a sort of impression that Mr. Hayes was the kind of man I should like, so I voted for him.

Cross-int. 2. How was it as to Vice-President; had you any choice in that matter?—A. No, sir; only I voted the whole ticket as it was. I always had the idea ever since Hayes was put up that he had some of the old Jackson stubbornness about him, and think he is following it up a little.

Cross-int. 3. Your chief interest in the ticket was in its being a prohibitory ticket, was it not?—A. That was my chief interest, yes, sir; I knew that the number of prohibitory votes that were cast wouldn't amount to anything of themselves, but they would show the strength of

the cause. I think they cast about 20,000 votes in the State ; I know it was double what I expected.

Cross-int. 4. Did you not consider it important to vote for prohibition candidates for the State legislature, as well as for governor and lieutenant-governor?—A. Well, no, I didn't; for the vote wouldn't be strong enough to amount to much. I merely voted, to add to the cause. There wasn't much importance attached to it, any way, as the vote wouldn't be strong enough.

Cross-int. 5. Have you ever in a national election voted the democratic ticket ; if so, when and for whom?—A. Never. I never voted only one national election before ; that was for Lincoln—first election.

Cross-int. 6. Have you ever voted the democratic ticket in a State election?—A. No, sir ; I haven't voted since 1860 until this election. The greater part of the time I haven't been here, though my family have been. I haven't had any interest in politics.

CROSBY F. WOODMAN.

(The above evidence was objected to on behalf of the incumbent as not being in rebuttal of incumbent's evidence, and the cross-interrogatories are put *de bene esse*.)

Deposition of Abraham J. Lamb.

APRIL 20.

ABRAHAM JOHN LAMB, a witness for Benjamin Dean, the contestant, being first duly sworn, in answer to interrogatories proposed by S. A. B. Abbott, esq., of counsel for contestant, testified as follows, viz:

Interrogatory 1. Please state your name, age, residence, and occupation.—Answer. Abraham John Lamb ; thirty-two ; 37 Seneca street, ward 16 ; provision-dealer.

Int. 2. What office, if any, did you hold in ward 16 on November 7, 1876?—A. United States supervisor of election, representing the democratic party.

Int. 3. Did you attend at the polls on that day and faithfully discharge your duties as such supervisor?—A. I did.

Int. 4. Did you count the ballots cast for member of Congress carefully, and make a true return of the number cast for each candidate to the chief supervisor?—A. Yes, sir.

Int. 5. Did Mr. Daly, the republican supervisor, also count the same ballots?—A. He did.

Int. 6. Have you any doubt that you counted for Mr. Dean and Mr. Field all the ballots actually cast for them, respectively?—A. I have none.

Int. 7. Did you know of any error or mistake being made in this ward on November 7, 1876, in the count and return of votes cast for member of Congress?—A. No, sir ; I did not.

Cross-examination by William G. Russell, esq., of counsel for Mr. Field, the incumbent:

Cross-int. 1. Did you discover any error in the count of the warden and clerk?—A. No, sir.

Cross-int. 2. Did you remain till the ballots were put into the boxes and sealed up?—A. Yes, sir.

Cross-int. 3. Did you and Mr. Daly put them into the boxes?—A. We did.

Cross-int. 4. All at one time, or from time to time as you counted them?—A. All at one time.

Cross-int. 5. Did you put in all that you counted, and no others?—A. We both supervised putting them in; he put in and I put in. We put in those that we counted, and no others.

ABRAHAM J. LAMB.

(The above evidence objected to on behalf of Mr. Field, the incumbent, as not being in rebuttal of incumbent's evidence, and the cross-interrogatories are put *de bene esse*.)

Deposition of John F. Daly.

APRIL 20.

JOHN F. DALY, a witness for Benjamin Dean, the contestant, being first duly sworn, in answer to interrogatories proposed by S. A. B. Abbott, esq., of counsel for contestant, testified as follows, viz:

Interrogatory 1. Please state your name, age, residence, and occupation.—Answer. John F. Daly; thirty-six; 130 Castle street, ward 16, Boston; night-watchman for United States Government at custom-house.

Int. 2. What office, if any, did you hold in ward 16 on November 7, 1876?—A. United States supervisor of election, representing the republican party.

Int. 3. Did you attend at the polls in ward 16 on November 7, 1876, and faithfully discharge your duties as United States supervisor?—A. To the best of my knowledge and ability I did.

Int. 4. Did you count the ballots cast for member of Congress carefully, and make a true return of the number cast for each candidate to the chief supervisor?—A. To the best of my knowledge and belief I made an accurate count and returned the same to the commissioner, the chief supervisor.

Int. 5. Did Mr. Lamb, the other supervisor, also count the same ballots?—A. He did.

Int. 6. Have you any doubt that you counted for Mr. Field all the ballots actually cast for him?—A. None whatever.

Int. 7. Did you know of any error or mistakes being made in this ward on November 7, 1876, in the count and returns of votes cast for member of Congress?—A. I don't understand that question. (Question repeated.) None that I know of except that I have heard of the recount by the board of aldermen.

Cross-examination by William G. Russell, esq., of counsel for the incumbent:

Cross-int. 1. How long did you remain in the ward-room on the day of election?—A. From the time the polls opened until the ballots were sealed and delivered; all day until quite into the evening, as late as six o'clock, if not later.

Cross-int. 2. Did you see the ballots put into the box and the box carefully sealed?—A. Yes, sir; I, in connection with the other supervisor, put them in myself; we both put them in together.

Cross-int. 3. Were the ballots you put into the box the same that you had counted, and no others?—A. Yes, sir.

Cross-int. 4. What were you doing during the day up to three o'clock p. m.?—A. Supervising the election; watching to see that there was nothing wrong, deciding disputes if occasion required it; having an eye to the success of the republican ticket, in a fair way.

Cross-int. 5. Did you discover or suspect, or have any reason to suspect, that there was any unfairness in the election in that ward, or any tampering with the ballots or miscounting of the same, intentionally or otherwise?—A. None at all whatever. It was one of the fairest elections I ever saw; in fact the only dispute we had all day long was a case of dereliction of duty on part of the clerk or register of voters of the city in not putting a man's name on the list who had paid his taxes; there was one other case, which was corrected afterward, Fitzgerald's case.

Cross-int. 6. Who first counted the votes, and into what parcels were they made up?—A. The votes were first counted by the warden and clerk, and made up into parcels of one hundred; the odd ones being left, fractions of a hundred.

Cross-int. 7. When did you as supervisors begin to canvass and count the ballots, and how did you conduct your examination and count, and how did you dispose of the ballots when counted?—A. I couldn't tell what hour we began; should think it somewhere in the neighborhood of three o'clock; that is, on fair recollection; couldn't be positive; it was in the neighborhood of that hour; after the warden and clerk had counted the ballots they put the straight ballots into packages of one hundred each, and the scratched tickets into like packages by themselves, and then we went over each package to see if they were correct as to member of Congress, to see whether they were in packages of one hundred or all straight one way or the other; when counted we tied them up in bundles of one hundred and the fractions by themselves, and tied them with twine, and put them into the box.

Cross-int. 8. Did the supervisors or either of you discover some errors in the count made by the warden and clerk?—A. We found the packages each containing a hundred, and all straight as warden and clerk had counted them, and the same as to the fraction in every instance. We had a warden who was very particular how we did the work.

Cross-int. 9. Then your count was exactly in accordance with that of the warden and clerk, was it?—A. Yes, sir.

Cross-int. 10. Did the number of ballots returned by you to the chief supervisor represent the whole number of ballots cast at that election in that ward?—A. To the best of my knowledge and belief they did, so far as regards members of Congress; but if I remember right there were one or two ballots where everything was torn off except presidential electors and governor and lieutenant-governor.

Cross-int. 11. How many such ballots were there thrown, as nearly as you remember?—A. I think two or three; I think my figures will show.

Cross-int. 12. What figures do you refer to, and have you them with you?—A. No, sir, I have not. I made some figures when I added my ballots. I think I may have them at home. They were the same as the warden and clerk returned, scattering and all. I shouldn't think there were over four of those ballots without Dean or Field's name on them.

Cross-int. 13. Will you produce those figures if you can find them?—A. I will. (Witness subsequently appeared and stated he had made search for the paper but couldn't find it.)

Direct examination resumed:

Re-direct int. 8. Whether or not are "pasters" liable to come off when ballots are rolled and tied, as described in your answer to cross-inter-

rogatory 7?—A. The way that we rolled our ballots up I should be apt to say that stickers would be liable to come off. The way we tied ours up we crumpled them up somewhat, and stickers are apt to come off. As a general thing the ballots there were straight all the way through for member of Congress. If the stickers came off they would be found in the roll or the box, I suppose.

JOHN F. DALY.

(The above evidence was objected to on part of Mr. Field, the incumbent, as not being in rebuttal of incumbent's evidence, and the cross-interrogatories were put *de bene esse*.)

Deposition of Thomas McC. Babson.

APRIL 23.

THOMAS MCC. BABSON, a witness for Benjamin Dean, the contestant, being first duly sworn, in answer to interrogatories proposed by S. A. B. Abbott, esq., of counsel for contestant, testified as follows, viz:

Interrogatory 1. Please state your name, age, residence, and occupation.—Answer. Thomas McC. Babson; twenty-nine; ward 16, Boston, Mass.; lawyer.

Int. 2. What office do you now hold?—A. One of the representatives from that ward in the State legislature, and one of the committee on elections there.

Int. 3. Were you present at the polls in ward 16, on the 7th of November, 1876?—A. I was there all day, from before the polls were opened until after vote was declared, except half an hour.

Int. 4. As far as you could see, did or did not the ward officers attend carefully to their duties in receiving and counting the ballots?—A. They did.

Int. 5. Of what political party was the warden, and of what political party were the inspectors?—A. Warden was republican; the inspectors belonged to both parties—some to one and some to the other. I think there were three republican inspectors and two democrats.

Int. 6. Was or was not the warden careful and accurate in the discharge of his duties?—A. He was very careful. I think he was very partial to his own political party in the discharge of his duties that day. I mean by that as regards receiving votes.

Int. 7. Do you know of any reason to believe that the returns of the ward officers were in any respect erroneous, or have you ever heard that there was any error made by them?—A. I have no reason to believe them erroneous. I have heard of no error, except that I have heard the counsel for Mr. Dean say, within a day or two, that the claim was made that there was an error in the vote. I don't know whether I could say it was made by Mr. Field or not. What I heard was that the recount of the board of aldermen disagreed with the count of the ward officers.

Int. 8. Will you state whether or not you are acquainted with the law of this commonwealth as regards the recount of ballots by the committees of the legislature and by aldermen?—A. I am a member of the committee on elections, and have studied the subject somewhat this winter, and am tolerably familiar with the election-law of this State as it is now.

Int. 9. Will you state, as shortly as you can, what that law is, and

what cases have been decided by the legislature at this session in regard to recounts?—A. In the session of 1873 the matter was first brought before the election committee of the house of representatives in regard to the recount of votes by the legislature under the law of 1872. The committee and the house decided that the legislature would not recount merely on account of the closeness of the vote, and would not recount and were not bound to recount unless they were satisfied that there was probable cause to believe an error existed in the original return. That decision of the legislature of 1873 has been confirmed by every legislature since that time, and five or six times by the present legislature, and never any doubt expressed by any one on the committee but what it was the well-settled construction of the law concerning the recount of votes for representatives to the legislature.

Int. 10. Will you annex to your deposition certified copies of reports by your committee on this subject, together with copies of the journal of the legislature showing what disposition was made of these reports?—A. I produce copies of the report in the case of Elijah A. Morse, House Document No. 9, 1877; of Chadwell against Walden, No. 27; of Merriam against Bachelor, No. 33; Scribner against Keyes, No. 52; Hillis against Haynes, No. 64. That's all I have here; there is a Crossman case I will get. I will get the action of the legislature certified upon them if I can. (Counsel for incumbent objects to the admission in evidence of the foregoing as incompetent.) (The reports referred to are annexed, marked "W. W.—2;" "W. W.—3;" "W. W.—4;" "W. W.—5;" "W. W.—6;" and "W. W.—6½.")

Int. 11. Will you annex to your deposition a certified copy of the opinion of city solicitor of Lynn, which is referred to in the report of your committee? (House Doc. No. 27.)—A. I will; I produce it. (The same is objected to by incumbent as incompetent evidence, and is hereto annexed, marked "W. W.—7.")

Int. 12. Will you state to what political party the returned member, Walden, in whose favor the report of your committee (House Document 27) was made, belonged?—A. He was republican.

Int. 13. To what political party did the contestant, Chadwell, belong?—A. He was a democrat.

Cross-examination by William G. Russell, esq., of counsel for incumbent.

Cross-int. 1. What was the general character of the election in ward 16 on November 7, 1876? Was it a fair, quiet, and peaceable election, or otherwise?—A. It was a fair, quiet, and peaceable one. I never saw one more so where there were so many votes cast.

Cross-int. 2. Have you any reason to suspect the warden or any ward officer of any unfairness in handling or counting the votes?—A. No, sir; I have not. Mr. Wilkins, who was not an officer or inspector, was behind the bar all day, advising the warden what to do. I mean he was not a ward officer.

Cross-int. 3. Were you aware when you made the last answer that Mr. Wilkins was a marshal?—A. I was not.

Cross-int. 4. Where were the other marshals during the day?—A. I do not know all of them; those whom I do know were in the ward-room. I do not think any of them, with the exception of Mr. Wilkins, were behind the rails until the votes were counted, when I think some of them were.

Cross-int. 5. When was that?—A. From shortly before the polls closed

until the vote was declared, which I should say was about half past five; polls closed at half past four.

Cross-int. 6. Were not the ward officers counting the votes in the forenoon?—A. The clerk and one inspector, under the supervision of Mr. Daly, United States supervisor, were sorting the votes at intervals during the whole day, from ten on. I do not know whether they were counting.

Cross-int. 7. Was not the clerk making a record or memorandum of the count during the forenoon?—A. I do not know.

Cross-int. 8. Was not the warden counting during the forenoon?—A. The warden sometimes looked over Mr. Hunting and Mr. Davis, who were sorting the votes, and perhaps counting them. Davis was one of the inspectors.

Cross-int. 9. Was any question as to the receiving of a vote raised during the day in more than two cases?—A. Yes; in three at least, to my knowledge.

Cross-int. 10. Can you name the three cases?—A. There was one case where by mistake a man's name had been checked but not voting; two cases, I think, where a man's name was not on the ward-list, who claimed to have been registered. Fitzgerald's case was the first-named case; he was allowed to vote.

Cross-int. 11. Are you aware of a discrepancy between the gross number of ballots cast in ward 16 at that election, as the same was announced or said to be announced by the warden, and the number of ballots as ascertained by adding the numbers of votes cast for all the several candidates for the several offices?—A. I have heard within a few days about there being some discrepancy. I had the vote as it was announced, but have lost it; the vote was very large; all but about thirty of those registered were said to have voted. I do not recollect the exact number.

Cross-int. 12. If you had found such discrepancy of twenty votes, would you consider it as in any way affecting the question of the propriety of a recount?—A. I should have before having heard so many election-cases this winter; now I shouldn't expect any precise agreement as to the votes for any candidate on the ticket and the whole number of votes cast. I shouldn't suppose the number of votes for two opposing candidates would add up the same as whole number of votes cast in the ward.

Cross-int. 13. If the ward officers announced that there were 1,537 ballots thrown and if all the ballots for all the candidates for member of Congress were returned as 1,517, and all the ballots for all the candidates for governor were returned as 1,527, would you not see in these facts some reason for distrusting the count, and for granting a recount if asked for?—A. No; there was much dissatisfaction with Mr. Field among the members of the Republican Battalion in the ward, and I expected that many of the members of that organization would vote for the republican candidate for governor and would not vote for Field.

Cross-int. 14. If the ward officers announced that there were 1,537 ballots thrown, and if all the ballots for all the candidates for member of Congress were returned as 1,527, and all the ballots for all the candidates for governor were returned at 1,517, would you not see in those facts some reason for distrusting the count and for granting a recount if asked for?—A. I should not. The only thing that would have surprised me, would cause me to doubt its correctness, would have been to have found the total presidential votes to have fallen materially short of 1,537.

Cross-int. 15. If that had fallen materially short of 1,537, you would consider it good reason for a recount, would you?—A. Of that vote, yes.

Cross-int. 16. Suppose it were 1,495 as against a total number of ballots of 1,537, what would you think of it?—A. I should have thought that the vote for President ought to have been recounted.

Direct examination resumed:

Redirect int. 14. It does not follow, does it, that because there may be an error for one set of candidates that there must be for another?—A. No; things which the ward officers take an interest in are more liable to be counted correctly than those which they conceive to be less important. Any imaginable error in the return of the votes for auditor or any single presidential elector would not lead me to distrust the return for President or Representative to Congress or the State legislature.

Cross-examination resumed:

Recross-int. 17. Under what statute law do you understand that the legislature or its committee on elections acts in recounting the ballots cast in town meetings for members of the general court?—A. Section 47, chapter 376, acts of 1874; this section was first enacted in 1872.

Recross-int. 18. Are you aware that it has been repealed?—A. It has not; it may have been enacted in some general law which repealed that of 1874, but the section is in force now and has been since 1872.

Recross-int. 19. Please examine chapter 188 of the acts of 1876, and see whether that section has or has not been repealed?—A. It has; but the construction given to another section of the law of 1876 leaves the law in the same state that the legislature decided it was in under law of 1872 and 1874. I was not aware when I answered the preceding interrogatory that section 47 had been repealed.

THOMAS McC. BABSON.

(The foregoing evidence was objected to on part of Mr. Fields, the incumbent, as not being in rebuttal of incumbent's evidence, and the cross-interrogatories herein are put *de bene esse*.)

(The contestant here offered in evidence the following papers, marked, respectively, "W. W.—8," "W. W.—9," "W. W.—10," "W. W.—11," "W. W.—11½," "W. W.—12," "W. W.—13," "W. W.—14," "W. W.—15," "W. W.—16," "W. W.—17," and "W. W.—18," viz, Senate Doc. No. 5, 1874; Senate Doc. No. 2, 1874; House, No. 71, 1875; House, No. 48, 1873; House, No. 65, 1875; House, No. 14, 1875; House, No. 59, 1875; House, No. 13, 1872; House, No. 35, 1875; House, No. 69, 1872; House, No. 30, 1876; and certificate of secretary of state; the same being objected to as evidence on part of the incumbent.)

Deposition of William H. Thomes.

APRIL 24.

WILLIAM H. THOMES, a witness for contestant, being first duly sworn, in answer to interrogatories proposed by S. A. B. Abbott, esq., of counsel for contestant, testified as follows, viz:

Interrogatory 1. Please state your name, age, residence, and occupa-

tion.—Answer. William H. Thomes; fifty-two; residence, Boston, Mass., ward 18; publisher.

Int. 2. What office, if any, did you hold in ward 18 on November 7, 1876?—A. Inspector of elections.

Int. 3. By what party were you elected to that office?—A. Unanimous vote of both parties—I belong to the democratic party.

Int. 4. Did you attend at the polls on November 7, 1876, and carefully discharge your duties?—A. I was very careful in the discharge of all those duties.

Int. 5. To what political party did the warden and clerk of ward 18 belong? Were they competent persons for their respective positions, and did they carefully discharge their duties on November 7, 1876?—A. The republican. I should say they were perfectly competent, reliable persons; they very carefully discharged their duties that day.

Int. 6. How were the ward-officers appointed who served in ward 18 on November 7, 1876?—A. I think three were appointed by the mayor and the balance were elected by the people.

Int. 7. Did you ever hear or know of any error or mistake being made by the ward-officers in ward 18 on November 7, 1876?—A. I can't say that I ever heard of any mistake, except those disputed votes.

Int. 8. Will you examine exhibit marked "W. W.—D3," bearing the words "for Representative to Congress, fourth district, Walbridge A. Field," and say whether any similar ballots were cast in ward 18 on November 7, 1876?—A. I can't say whether there were any similar ballots cast. This looks like the ballots the prohibitory party distributed in the ward. The words "fourth district" were particularly called to my attention by the warden.

Int. 9. How many ballots bearing the words "for Representative to Congress, fourth district, Walbridge A. Field," had been cast when the warden called the matter to your attention?—A. I think he came to me with a handful in his hands and said—I think he said, "Here are thirteen ballots cast for the fourth district." I think he said thirteen. He had them loosely in his hand, and I won't be certain. I didn't count them.

Int. 10. Are you or not positive that the number the warden stated to you was less than twenty?

(Objected to as leading.)

A. I can't be certain. I think they were less. I think there were thirteen, but I can't stake my veracity on that point. I think he did not go over thirteen, but it was such a trivial matter I didn't pay much attention to it.

Int. 11. How frequently have you served as a ward-officer?—A. I think three years—two or three—am not certain.

Int. 12. Will you state whether or not "pasters" or "stickers" were used in ward 18 in voting for member of Congress, November 7, 1876?—A. They were used very freely.

Int. 13. Will you give your opinion as to the liability of "pasters" or "stickers" coming off from the ballots in the course of handling, counting, and packing?—A. I should necessarily think that, by constant friction, some would be liable to come off; they are handled a great many times in the ward-room before being put in their deposit to be sent to city-hall, and unless handled very carefully, some would be liable to fall off.

Int. 14. According to common reputation in ward 18, to what political party in national politics does Mr. McCleary, the city clerk, be-

long?—A. He never makes much demonstration as a politician, but he has always been classed as a republican.

Cross-examination by William G. Russell, esq., of counsel for incumbent:

Cross-int. 1. Do you know for whom Mr. McCleary has voted at any presidential election, or what has been his vote for governor at any election?—A. No; I can't positively swear. I think the last time he voted he put his vote in a sealed envelope, in the city election.

Cross-int. 2. Has he not for twenty years and upward been elected to his present office by the voters of both parties?—A. He has.

Cross-int. 3. Did the United States supervisors in your ward personally examine and count the votes for members of Congress?—A. I think not.

Cross-int. 4. Did neither of them count and scrutinize those ballots?—A. I didn't see either count a vote; they seemed to do the heavy standing round.

Cross-int. 5. Was not the last count of the ballots at the election of November 7, 1876, made just before depositing them in the boxes to be sent to the city-hall?—A. The clerk and the warden keep a tally on the sheet of paper, and the warden and one of the inspectors, whom the warden details to assist in counting, keep the ballots so closely counted that in ten minutes after the polls are closed the vote can be declared.

Cross-int. 6. And were they never again counted in the ward-meeting after the count you have thus described?—A. They were not; there was no necessity for it; they were all carefully counted and laid aside; tied up in bundles of a hundred.

Cross-int. 7. When the words "fourth district" were discovered on the prohibitory ballots, was there not a discussion among the ward-officers as to how those ballots should be returned?—A. I think there was some talk about it—some discussion.

Cross-int. 8. Was it not proposed by some one of the ward-officers to submit the question to Mr. McCleary for his opinion, when he came up to vote?—A. I think I suggested to the warden, as Mr. McCleary's time had nearly come for voting, to submit the question to him as to those votes, as he was an authority in those matters and would tell him what to do.

Cross-int. 9. Was it submitted to him accordingly when he came in to vote?—A. It was.

Cross-int. 10. Were these votes separately returned, in accordance with his advice?—A. I think they were; Mr. McCleary recommended such a course.

Direct examination resumed:

Redirect int. 15. Your position in the ward-room was at one of the check-lists, was it not?—A. Yes, sir; I had nothing to do with the counting.

Redirect int. 16. Did or did not Mr. McCleary say the votes above referred to should be counted for Mr. Field?—A. I understood Mr. McCleary to say they should be returned separately; a separate account should be made of them. I think he also said they might be counted for Mr. Field, but a separate account made of them.

Redirect int. 17. Did you tell Mr. McCleary that the warden wished to see him, when he, McCleary, came up to vote?—A. Yes; he passed me, and I suggested to him that the warden wanted to see him on a certain subject, and also told the warden Mr. McCleary was present.

WM. H. THOMES.

(The contestant here offered, to be annexed as evidence herein, exhibits marked "W. W.—20" and "W. W.—21," being, respectively, an agreement as to political views of board of aldermen and a copy of notice by W. A. Field to the city clerk to preserve ballots, &c.)

Third Congressional District of Massachusetts:

U.S.

United States Commissioner.

Tilden.	{	Madden	872
		Babson	855
		Feith ..	607
		Filkins	573

John Noble	1,514
Whole number of votes thrown	1,537
Baker	41
Counselor	
Packard	602
Toland	862
Shitleff	546
Maning	975
Rice	593
Adams	883
Tilden	829
Hayes	625
Field	585
Dean	896

[House.—No. 9.]

The committee on elections, to whom was referred the petition of Elijah A. Morse, contestant for the seat now occupied by Thomas Lon.

ergan, from the fourth Norfolk district, asking that the votes of said district be recounted, have duly considered the same and report as follows :

The committee have been governed in their decision in this case by the rule adopted by former committees on elections, and which rule has been indorsed by different houses of representatives. The rule referred to is this: that in the absence of any evidence of fraud in the manner of calling, holding, or conducting the meeting at which the election is held, or in the manner of ascertaining the result of the election, or unless the petitioner shows a reasonable ground for supposing an error in the count other than the mere closeness of the vote, the committee will not recount the ballots. The only evidence offered before your committee in support of the contestant's claim, other than the fact that there is a difference of but eleven votes between the number of ballots cast for the sitting member and those cast for the petitioner, consisted in the statement of the petitioner that as the vote was first announced in Milton (one of the towns in the fourth Norfolk district) the sitting member had only seven plurality, and that, owing to a scarcity of printed ballots in Milton, many of the votes for the petitioner had his name written in lead-pencil. As the committee did not see any reason why written ballots could not be counted as correctly as printed ones, and as a plurality of seven would have been as effectual for the sitting member as a plurality of eleven, they are of opinion that these facts, if true, did not take the case out of the operation of the above-stated rule. The committee, therefore, are of opinion that the sitting member is entitled to his seat, and recommend that the petitioner have leave to withdraw.

For the committee :

T. M. BABSON.

COMMONWEALTH OF MASSACHUSETTS :

HOUSE OF REPRESENTATIVES, *April 25, 1877.*

To whom it may concern :

This is to certify that the within report was accepted by the house January 19, 1877.

GEO. A. MARDEN, *Clerk.*

W. W.—3.

[House.—No. 27.]

COMMONWEALTH OF MASSACHUSETTS :

HOUSE OF REPRESENTATIVES, *January 24, 1877.*

The committee on elections, to whom was referred the petition of S. S. McGibbons and others, asking for a recount of the votes for representative in the Eleventh Essex district, being the district now represented by Edwin Walden, of Lynn, having considered the same, submit the following

REPORT.

The grounds upon which the petitioners asked for a recount were that the petitioners had "reason to believe that through mistake in counting the votes for representative in said district, on the 7th day of November last, Edwin Walden was erroneously declared elected in place

of Harris O. Chadwell, whom they believe to have been legally elected." The question thus presented to the committee was, simply, whether there was a "mistake in counting the votes for representative;" and upon this question the parties and their evidence were fully heard.

The eleventh district consists of ward six, in Lynn, and elects one representative. The official return of the votes for representative was admitted to be as follows :

Edwin Walden	547
Harris O. Chadwell.....	546
Scattering.....	18

One of the scattering votes was for *Edwin Waldron*, and upon the evidence before them the committee do not doubt that that vote should be counted for the sitting member, this giving him upon the returns a plurality of two votes over the contestant.

The petitioners, to establish their case, relied upon the following facts, which were not disputed :

1. That the vote was very close.
2. That the announcement made by the warden at the close of the balloting was as follows :

Walden.....	552
Chadwell	541

with scattering votes; while the figures as finally arrived at as the official return were the result of a recount; thus showing a wide discrepancy in the result of the two counts, leading, apparently, to the conclusion that the count of the ward officers was unreliable.

3. That within three days after the day of election, more than ten citizens of the ward petitioned for a recount of the votes by the mayor and aldermen, under the provisions of the statutes; and a recount was denied them, under the advice of the city solicitor of Lynn, upon grounds which the committee think were technical in the extreme.

In regard to the first ground relied upon, to wit, the closeness of the vote, the committee are unanimously of the opinion that such a fact of itself constitutes no ground for a recount by the legislature. It is believed that the presumption is in favor of the accuracy of the constituted officers, whose duty it is to count the votes, and that unless facts or circumstances are shown which tend to throw some reasonable doubt upon the correctness of their work, the committee are not called upon to reopen the matter and recount the votes simply because the contestant came very near being elected. They are led to this conclusion, not only upon the principles already stated, but also upon consideration of the probability that if it were once admitted as a sound rule that anybody who run very close to his successful competitor could come to the committee on elections of the legislature as a sort of appellate returning board, future committees would be overburdened with petitions of that character. This view has been uniformly sustained by previous legislatures, and has been substantially adopted by this house in the case of *Elijah A. Morse*, petitioner, (House Doc. No. 9.) Your committee, therefore, are of the opinion that the fact that the sitting member appears to have received but one or two votes more than the contestant, furnishes no ground whatever for a recount by the committee.

The same considerations appear to dispose of the third ground upon which it is alleged a recount should be had here. Granting for the moment that the mayor and aldermen were unwise in refusing the peti-

tion of the citizens for a recount, the committee do not think that fact of itself furnishes any ground for its action at this time. It would undoubtedly have been much better, so far as the committee are able to judge, for the mayor and aldermen to have granted the petition and not to have inquired too closely into the form of the petition, thus following the practice of nearly all, if not all, the cities in the commonwealth in such matters ; but the committee do not, for that reason, consider that it is a part of their duty to supply the omissions of other bodies, or avenge or redress the grievances which parties may have sustained at their hands, considered simply as such. To ascertain who has been legally and truly elected to the house of representatives in such cases as are referred to them is the sole duty of this committee, and unless there is evidence tending to satisfy the committee that there has been, on the one hand, fraud or illegality in the manner of calling, holding, or conducting the election, or, on the other hand, that there may have been an error in the count, the return of the duly constituted officers is not to be disturbed.

Having disposed of the first and third grounds alleged for a recount, it remains to consider the second allegation, to wit, that different statements were made at various times by the ward officers as to the result of the vote, and that therefore no substantial reliance is to be placed upon their count. On this point the committee had before them as witnesses the warden, two of the three inspectors, and the clerk, one at least of whom was of the same political predilections as the contestant. They all testified fully as to the counting and recounting of the votes for representative, and, so far as their testimony agreed, it was as follows: The votes were taken at intervals during the day from the ballot-box, and sorted and counted by the clerk and one of the inspectors, so that at the close of the balloting the tickets, except a few then remaining in the boxes, had been all assorted into packages as regular republican, regular democratic, and scattering, and counted, and the vote was at first declared from this count, to wit:

Walden	552
Chadwell	541

with a number of scattering votes.

Before completing the count of the ticket, however, it was discovered that some votes had been classed as regular republican that were what the witnesses called "spurious," or "counterfeit;" that is, they were tickets precisely similar in form and appearance to the other tickets, except that they had Chadwell's name instead of Walden's. A number of these were found which had been classed as straight republican—enough, if counted correctly, to have elected Chadwell instead of Walden. Some other errors were discovered in Mr. Walden's favor, though on this point, as to the number of errors discovered, the witnesses remembered differently, or did not remember at all. In consequence of these errors, the ward officers determined to recount the whole vote for representative. Accordingly, after completing the count for the remainder of the ticket, the ward officers took the ballots for the purpose of recounting carefully and deliberately the votes for representative. The ballots were first assorted in a number of different-sized packages, each package, however, containing but one kind of votes. Thereupon, all being seated around a table, one of the inspectors, Mr. Skinner, first took the packages, counted the votes in each package, examining each vote in reference to the name of the candidate for representative upon it, and having marked the number of votes in each package on the back

of the package, passed it to another of the inspectors for his examination. This second inspector thereupon counted the packages separately as he received them from the former, and, finding the classification and number correct, passed the packages, as he counted them, to the third inspector. The third inspector (the only officer not present before this committee) counted the packages in the same manner as the others, and passed them to the warden, who, with the clerk looking on, counted the packages over as the others had done, and finding their count correct, the clerk set down the numbers, and, by adding, arrived at the figures already given as the official return of the vote. The original paper on which the figures were set down was produced before the committee showing the computation to be correct.

On all these facts the witnesses (comprising all the ward officers, excepting one inspector) substantially agreed; and all of them furthermore stated that they had no doubt the count was correct; and each one stated that he individually satisfied himself of the correctness of the count, being led to do so on account of the discrepancies appearing after the first announcement. As to the number of the "spurious" ballots found, they did not remember alike; and no one of the witnesses was able to state the errors found, so as to account for the change from the first announcement to the second, although some of the witnesses remembered errors in the first summing up that escaped either the attention or the memory of the others. But they all agreed that the errors were such that they unanimously decided to recount, which they did in the very careful manner already described, and with especial and sole reference to the vote for representative. The inspector who counted and marked the packages, on cross-examination, could not swear positively as to the particular manner in which he marked the packages after counting them, and whether he did not in some instances use the marks already on the packages, when they were right; but he was certain that he indicated in some plain way the number of the votes for the guidance of those who counted after him.

On these facts, the majority of the committee do not see that there is probable ground for believing that the count as finally made was not correct. On the contrary, it appears to them that no fairer, better, more careful, nor more impartial count could be had. It was not the case of the simple discharge by the officers of the precinct of an official duty, where ordinary care only was exercised. It was substantially four separate and independent counts by each one of the ward officers, made under circumstances that were a guarantee of the care and accuracy of each. It appears that after the discovery of the "spurious" ballots, the report had somehow gained currency that Chadwell was elected, while their first announcement had elected Walden. In view, therefore, of the uncertainty in the popular mind, to correct their own errors, and to get the vote, if possible, right, they set to work deliberately, after finishing their other work, to recount the vote. They represented the different political parties, and were apparently animated solely by a desire to ascertain the truth. Each one counted all the ballots for himself, and they all agreed as to the result. Care could not go further; and it is not presumable that this committee would be any more likely to arrive at the truth than were those five officers, against whom was imputed at the hearing not the slightest suspicion of fraud, unfairness, or prejudice. It would be simply putting the count of seven members of this legislature over the count of the five officers of the ward, which, under the circumstances, there does not seem to be any sound reason for doing.

It is the duty of the committee to see that justice is done all parties; but this includes the sitting member as well as the contestant; and it does not seem to the committee just to a sitting member to subject the question of his right to a seat, when that question is merely one of computation, to a committee of this house, when that committee cannot show themselves to be likely to be more fair, more careful, or more impartial in coming to their conclusions than was the board charged by law with determining the result.

The majority of the committee, therefore, believing that justice will not be promoted by a recount, recommend that the petitioners have leave to withdraw.

H. M. KNOWLTON.
ISAAC WINSLOW.
D. PIERCE.
JOHN C. PERRY.

MINORITY REPORT.

HOUSE OF REPRESENTATIVES, *January 24, 1877.*

We, the undersigned, the minority of the committee on elections, have to dissent from the report of the majority for the following reasons:

First. We believe the evidence submitted by the contestant to be sufficient to create such a reasonable doubt of the correctness of the count of the ward officers as to take the case out of the operation of the rule adopted by the committee in the case of Elijah A. Morse.

Second. The contestant having been denied a legal right, justice seems to demand that he should now have the right which he was once denied for what seems to us an insufficient reason.

The evidence in the case tended to show that the election in the sixth ward of Lynn, forming the eleventh Essex district, was very closely contested, the democratic ticket having a small majority. There were many scratched tickets and pasters used, and the majorities for the different democratic nominees differed considerably. The evidence before the committee further tended to show that during the day the clerk of the ward, with the occasional assistance of one of the inspectors, sorted the straight tickets of the two parties, counted them, and credited to each nominee the total number of straight tickets cast by his party; that, after the polls were closed, the split tickets and the ballots remaining in the boxes were counted, and each candidate credited with the number of ballots bearing his name. The vote for representative was then announced as being for Edwin Walden, (the sitting member,) 552; for H. O. Chadwell, (the contestant,) 541. It was then suggested that there might be among the bundles of straight republican tickets some ballots having the names of the democratic candidates for Representative to Congress, senator and representative for the general court printed on them. Search was then made for such ballots, and seven were found, which, being taken from the vote of Mr. Walden, left his vote 545, and, added to Mr. Chadwell's, left his vote 548, giving the contestant an apparent plurality of 3 votes, which result was for some hours supposed to be correct. The ward officers then proceeded to count the votes for other candidates, and a vote bearing the name of Mr. Walden was found

among the straight democratic tickets, which reduced Mr. Chadwell's plurality to 1. The ward officers then took supper, and some time after nine recounted the vote for representative. The ballots were in seventeen different packages, and, having been looked over by one of the inspectors, so as to satisfy him that each package contained tickets but for one candidate—that is, that no Walden package contained Chadwell tickets, or *vice versa*—he then counted each package, marked each package with the number of votes it contained, and passed such package to the next inspector. He counted, found the first man's count correct, and passed it to a third, who also counted and passed the package to the warden and clerk, who also counted and credited each candidate with the number of votes which it was said to contain. The clerk then added up his figures, and announced the result to be 547 for Walden, 546 for Chadwell.

From this testimony it seemed to the minority of the committee that there were at least three separate counts, none of them agreeing, the first giving the sitting member 11 plurality, the second giving the contestant at first 3 plurality and afterward 1, and the third giving the sitting member 1 plurality; and the minority think that the votes should again be counted to see which, if any, of these three counts was correct. The majority are of the opinion that the last count must be correct, from the fact that the inspectors agreed as to the number of votes in each package; but as only one inspector assorted the vote, and the clerk was the only one who put down the number of votes in a package and added up the figures, there seems to the minority such a poor system pursued in the recount as to deprive it of any particular reliability, no witness being willing or able to explain where the change was made between the second count and the third, and no inspector able to say that he counted 547 votes for Mr. Walden and 546 for Mr. Chadwell, but only stating that his count of each package agreed with the number told him by his predecessor.

The petitioners also offered evidence that within three days of the election more than ten citizens of the ward petitioned the aldermen for a recount of the votes; that such petition was referred to the city solicitor, and that said officer gave an opinion that said petition was not drawn in proper form and should not be considered, and that therefore the aldermen took no action on said petition, and the vote was not counted. These facts satisfied the minority of the truth of the propositions advanced at the commencement of this report, and they therefore ask that the petition be referred to the committee with instructions to recount the votes.

THOMAS McC. BABSON.
WM. W. WILDE.
C. H. INGALLS.

COMMONWEALTH OF MASSACHUSETTS :

HOUSE OF REPRESENTATIVES,
April 25, 1877.

To whom it may concern:

This is to certify that the within report of the committee on elections was accepted by the house January 26, 1877.

GUS. A. MORDEN, *Clerk.*

W. W.—4.

[House.—No. 33.]

COMMONWEALTH OF MASSACHUSETTS:

HOUSE OF REPRESENTATIVES, *January 29, 1877.*

The committee on elections, to whom was referred the petition of F. P. Merriam for the seat in this house now occupied by Francis E. Batchelder, having duly considered the same, submit the following

REPORT:

The district in question is the thirteenth Essex district, comprising the towns of Middleton, Topsfield, Saugus, and Lynnfield, electing one representative.

The total vote of this district for representative was as follows:

Francis P. Merriam, of Middleton, had	386
F. P. Merriam, of Middleton, had	263
Francis E. Batchelder, of Middleton, had	402

The votes for F. P. Merriam were all cast in the town of Saugus, and there was abundant evidence tending to show that Francis P. Merriam of Middleton was the person intended. It appeared that Francis P. Merriam of Middleton, the contestant, is well known in the district; is the only voter of that name in the town of Middleton, and was nominated under the name of F. P. Merriam at the caucus of the party upon whose tickets his name was voted; and that there was no other person in Middleton named Merriam except James M. Merriam, the brother of the contestant. It was also shown that the use of the initial, instead of the first name, *Francis*, in Saugus, was in consequence of a doubt as to what the contestant's first name really was.

This evidence was not disputed, and upon it the committee think there can be no doubt that the votes for F. P. Merriam should be counted for the contestant, thus giving him a majority of 247 over the sitting member, and clearly entitling him to represent the district.

The sitting member contended that the contestant was not eligible by reason of non-residence, and introduced evidence to show that the contestant during the past two winters has come to Boston with his family, stopping at a house on Newbury street, belonging to his wife and his brother-in-law jointly; he and his brother-in-law keeping house together. And it appeared that during the past year his family had passed the greater portion of their time in this house. But, on the other hand, it was proved by the contestant that he was born and has always lived in Middleton; that he has voted there for twenty-eight years, including the last election; was assessed there; owned and occupied, and still owns and occupies, with his family, a house there; and he himself testified that he had never had any intention of leaving Middleton whatever; and that his home was still, as it always had been, there.

On all the evidence, the committee thought there was no doubt that the contestant was and is a resident of Middleton and eligible to the office.

The committee therefore unanimously report the accompanying resolution.

For the committee,

W. W. WILDE.

COMMONWEALTH OF MASSACHUSETTS:

[In the year one thousand eight hundred and seventy-seven.]

Resolution concerning the seat of representative from the thirteenth Essex district.

Resolved, That Francis P. Merriam, of Middleton, was duly elected to the general court for the thirteenth Essex district, at the election held therefor on the seventh day of November last; and that he is entitled to the seat in this house now occupied by Francis E. Batchelder.

COMMONWEALTH OF MASSACHUSETTS:

HOUSE OF REPRESENTATIVES, *April 25, 1877.*

To whom it may concern :

This is to certify that the within resolution was adopted by the house January 30, 1877.

GUS. A. MORDEN, *Clerk.*

W. W.—5.

[House.—No. 52.]

COMMONWEALTH OF MASSACHUSETTS:

HOUSE OF REPRESENTATIVES, *February 7, 1877.*

The committee on elections, to whom was referred the petition of George F. Scribner for the seat of representative from the twentieth Middlesex district, now occupied by Patrick Keyes, and a petition in aid of the same, have duly considered the same, and report as follows:

The petitioner, in support of his claim that said Keyes was not legally elected as representative from said district, relied, in his petition, on two grounds:

1. That said Keyes did not receive a majority of the legal votes cast in the district for representative on the 7th day of November, 1876.
2. That said Keyes was not eligible as a representative, for the reason that he had not been an inhabitant of the first ward in the city of Lowell (comprising the twentieth Middlesex district,) for at least a year next preceding his election.

In support of his claim that Keyes did not receive a majority of the votes cast in said ward at said election, and that the petitioner did, the counsel for the petitioner asked the committee to recount the votes cast in said ward. The counsel for the sitting member objected to the committee's entertaining such request, for the reason that the petition did not ask for a recount. The counsel for the petitioner, being requested by the committee to state on what grounds he asked for a recount, replied that he expected to prove that after the city election held in Lowell, immediately after the State election, a recount was asked for and made by the board of aldermen, and said recount showed that few, if any, of the returns of votes made by the ward officers at said city election proved to be correct; and he also offered to prove that at the State election, in some cases, partial counts of votes were made by one ward officer, and were not afterwards verified by any of his associates. The committee ruled that, even if these facts were proved, that without proof of some other facts tending to show a probable mistake made in

the count of votes at the November election, these alone would not be sufficient ground for a recount by the committee. This ruling rendered unnecessary a decision on the point raised by the sitting member. The petitioner, after this ruling, offered no evidence in support of his first allegation.

In support of his second allegation, that Mr. Keyes had not been an inhabitant of the district for at least a year prior to his election, the petitioner called Mr. Southwick, who testified substantially as follows: That he was an inhabitant of Lowell, and had known Mr. Keyes, the sitting member, for many years, and was the opposing candidate to Mr. Keyes in 1875, and was elected to the legislature over Keyes in that year. He testified that he had known of "Keyes's Block," in Lowell, for many years; that it was on Market street, and within the twentieth Middlesex district; that in the first story of this block, which was brick, and owned by Mr. Keyes, Mr. Keyes kept a grocery store, and that over the store were tenements occupied by different families, in one of which Mr. Keyes had lived for some years, and in one of which he was living at the present time; that he also knew of a house in Pawtucketville, (which was out of the district, in ward five,) owned by Mr. Keyes; that the house was a large white house, and had about an acre and half of ground around it; that Mr. Keyes lived in this house in Pawtucketville during August and July, 1876; and that some day in July he met Mr. Keyes in the road near his (Keyes's) house in Pawtucketville; that Keyes stopped him, and, after some conversation on other topics, Mr. Keyes said, "You will have an easier field this fall, if you run for the legislature again; you will have a weaker candidate than I against you; I shall not be in the ward to trouble you any more; I have moved out here, and Mr. Durgin will probably be the candidate against you." The petitioner also called Mr. Hartwell, formerly a representative from ward five in Lowell, who testified substantially as follows: That some time in October, just before the nominations, he called on Mr. Keyes at his (Keyes's) store, and advised him not to be a candidate for the legislature, as he could not hold his seat if elected, and that Keyes told him that he moved to Pawtucketville at the advice of his physician and for the benefit of his children's health, and that he intended to move back soon; that after Keyes's nomination he again called on him, and again expressed his fears that he (Keyes) was not eligible, and referred to the Shaw case. Keyes replied that he had consulted eminent lawyers in Lowell and Boston, and that he was all right, and could hold his seat. At one of these interviews—the minutes of the committee do not agree as to which one—Mr. Keyes told Hartwell that he had not moved out of the ward; that he only went to Pawtucketville to pass the summer for the benefit of his children's health. The petitioner called Mr. Garrity, who testified that he was a plumber, and in October, 1876, did some plumbing at Keyes's house in Pawtucketville, where the Keyes family were living at that time; that while he was there he had a conversation with Mr. Keyes about his (Keyes) being a candidate for the legislature, and told Keyes that he could not hold a seat in the house if elected, and spoke of the "Shaw case," and Mr. Keyes told him that his case was different from "Shaw's," as he (Keyes) intended to move back to his district, and that Shaw did not. The petitioner here rested his case.

Patrick Keyes, being called, testified that he had lived in that part of Lowell comprised in the twentieth Middlesex district for thirty years; owned a brick house there with a grocery store in it and tenements over the store; said he had lived in one of these tenements more than

ten years; that on the 2d day of July, 1876, he moved his family and furniture to a house he owned in Pawtucketville to spend the summer; that he staid in Pawtucketville until the last of October, when he moved back to his house in ward one; that he moved to Pawtucketville with the intention of moving back in the fall. He explained his moving in July by saying that some of his children were sick in June, and that the doctor told him to take his family in the country for the summer; that he told the doctor times were hard and that he could not afford to go into the country, but had a house in Pawtucketville which was vacant, and he would go out there and pass the summer; the doctor told him that that would do, and advised him to go there, and so he (Keyes) did so. He testified that the house in Pawtucketville, though only fifteen minutes' walk from his store, was in a sparsely-settled neighborhood; had an acre or more of ground around it, and was near woods where his children could play. He testified that he never intended to move out of ward one, and denied that he had ever told Southwick that he had moved out of the ward, but said he told him that he had moved to Pawtucketville for the summer, and afterwards told Southwick that as he (Keyes) did not intend to be a candidate the next fall, that he (Southwick) would have an easier time in getting elected, as Durgin would probably be the candidate of the democratic party. He also testified that when he left his tenement on Market street, he let it to one Denis O'Neil, and arranged with O'Neil that he (Keyes) should have possession whenever he wanted to move back in the fall. He also said that he did not let one room, but retained it and stored in it trunks, containing the winter clothing of the family and some other articles. On cross-examination, he said that when he did move back in the fall, he did not take possession of the tenement he let to O'Neil, but another tenement in the same block, which was then vacant.

Dr. William A. Hoar, called by the sitting member, testified that two of Mr. Keyes's children were sick in May, and that he recommended Keyes to move out of town for the summer, giving substantially the conversation as testified to by Mr. Keyes.

Denis O'Neil, called by the sitting member, confirmed the story as to the conditional hiring of the Keyes house by him, and that he was to move out when Mr. Keyes wanted the tenement in the fall. Martin Fay, of Boston, testified that he went to Keyes's house, on Market street, in Lowell, on the 27th of June, and passed the night there; found Keyes making preparations to move, and asked him where he was going to move to; and Mr. Keyes told him that he was going to move to a house he owned in Pawtucketville, for the summer, for the health of his children, and was coming back in the fall.

The sitting member also called Israel Putnam, of Chelmsford, and Frank Brady, Oliver Flint, and Mr. Casey, of Lowell, who testified to conversations with Keyes, at different times and places, during the summer of 1876, in all of which Mr. Keyes announced his intention of moving back to his old house in the fall, and said he was only passing the summer in Pawtucketville for the benefit of his children's health. The great preponderance of evidence going to show that the residence in Pawtucketville during July, August, September, and part of October was a substitute for the passing of the summer in the country, so common among city families, your committee are of the opinion that the sitting member still continued to be an inhabitant of ward one during his temporary sojourn in Pawtucketville, and that his legal domicile was, during that time, in the ward from which he was elected. The committee, therefore,

report that the sitting member is entitled to his seat, and that the petitioner have leave to withdraw.

For the committee.

T. M. BABSON.

Mr. Winslow, of Middleborough, a member of the committee, dissents from the conclusions of this report.

COMMONWEALTH OF MASSACHUSETTS:

HOUSE OF REPRESENTATIVES,
April 25, 1877.

To whom it may concern :

This to certify that the within report was accepted by the house February 8, 1877.

GEO. A. MARDEN, *Clerk.*

W. W.—6.

[House.—No. 64.]

COMMONWEALTH OF MASSACHUSETTS:

HOUSE OF REPRESENTATIVES,
February, 12, 1877.

The committee on elections, to whom was referred the petition of Abel G. Haynes, for the seat in this house now occupied by John Hillis, having considered the same, submit the following

REPORT :

The district in question is the twenty-seventh Middlesex, comprising four towns, viz : Maynard, Wayland, Sudbury, and Weston.

The contestant relied chiefly on the fact, which he proved to the satisfaction of the committee, that the clerks of the several towns comprising the district did not meet, as required by law, to compare the vote of the several towns and to issue the certificate of election. (Stat. 1874, chap. 376, sects. 25 to 29.) These sections provide that the vote for representative in each town shall be recorded in open town-meeting, and a transcript of such record shall be delivered forthwith to the clerk. On the noon of the day following the election the clerks shall meet at a place designated, to examine and compare such transcripts, ascertain who has been elected, and make out certificates of election.

In this district the clerks paid no attention whatever to these plain provisions of law. They not only did not meet at the required time; they have never met at all. The designated place of meeting was in Wayland. It appeared that the Sudbury clerk came over at the proper time and met the Wayland clerk; and, as the others did not appear, they signed a certificate in blank and separated, the Wayland clerk keeping the blank. A few days after, the Weston clerk came and signed the blank and left his transcript. Last of all came the Maynard clerk, and he and the Wayland clerk filled up the certificate from the returns of the several clerks, which they had left for the purpose. The whole proceedings were in violation of the terms of the statute, and indicated a degree of negligence on the part of some of the clerks that the committee think cannot be too severely censured.

The necessity for the observance of these provisions, and the consequence of a failure therein, were ably and exhaustively discussed in the

case of *Stimpson vs. Breed*, (House Doc. No. 30, 1876,) the facts of which were similar to those of the present case; and the committee see no ground to question the correctness of the conclusions arrived at therein, to wit, that the return and certificate made under the circumstances above stated, in direct disregard of the provisions of a peremptory statute, are invalid and must be set aside.

The certificate under which the sitting member holds his seat thus being void, the committee deemed it their duty, it appearing that the election itself was regularly conducted in all respects, to ascertain who was elected, so that the district might neither be deprived of its representation, nor be obliged to hold another election in consequence of a mere failure of duty on the part of the town clerks. To avoid the certificate is not necessarily to avoid the election. The votes are properly cast, regularly counted by sworn officers, and the result recorded in open town-meeting; and no subsequent omissions could affect the regularity of these proceedings. In this view, also, they were sustained by the authority of *Stimpson vs. Breed ub. sup.*

Having decided to ascertain the result of the election, independently of the certificate, the committee discussed somewhat the way in which this should properly be done.

In the case of *Stimpson vs. Breed*, above referred to, the ballots were sent for and counted over by the committee having the case in charge. But as the ballots have been counted once by some officers charged with that duty, and the result made matter of record in open town-meeting, your committee are unable to see why they are not authorized to ascertain—presuming that the town officers have done their duty in respect of the counting and recording, there being no evidence to the contrary—the result of the election by examination and comparison of these records. The clerks, if they had met, would have proceeded in that manner, and your committee are unable to see why they may not use the records as evidence to the same effect as the board of clerks could have done. When the statute makes the returns sufficient evidence for the clerks from which to ascertain the result of the election, why may not your committee, supplying the omissions and doing the duty of the clerks, receive and act upon the same evidence?

In this case, however, it did not become necessary to decide this point; for, in respect of three of the towns, no notice was served upon the clerks to prevent them from destroying the ballots, as by law they are required to do at the end of sixty days, if not notified to the contrary, (1876, chap. 188;) and it was not disputed that the record of the votes in these towns was as follows:

	Hillis.	Haynes.
Maynard	88	202
Sudbury	111	117
Weston	130	79

In respect to the remaining town, Wayland, the committee, having the ballots before them, decided, upon other grounds, to recount them, which they did, with the following result:

Wayland	232	148
Total vote of the district	561	546

It thus appears that Mr. Hillis, the sitting member, was elected by a plurality of 15.

The committee, therefore, recommend that the petitioner have leave to withdraw, and they submit the accompanying resolution.

For the committee.

HOSEA M. KNOWLTON.

COMMONWEALTH OF MASSACHUSETTS:

[In the year one thousand eight hundred and seventy-seven.]

Resolution concerning the seat of representative from the twenty-seventh Middlesex district.

Resolved, That whereas it appeared that at the election for representative held in the twenty-seventh Middlesex district on the seventh day of November, in the year of our Lord eighteen hundred and seventy-six, John Hillis, of Maynard, received the highest number of votes, it is hereby declared that said John Hillis was duly elected, and is entitled to the seat now occupied by him in this house.

COMMONWEALTH OF MASSACHUSETTS:

HOUSE OF REPRESENTATIVES,
April 25, 1877.

To whom it may concern:

This is to certify that the within report was accepted and the accompanying resolution adopted Feb. 13, 1877.

GEO. A. MARDEN, *Clerk*.

W. W.—6½.

[House.—No. 84.]

COMMONWEALTH OF MASSACHUSETTS:

HOUSE OF REPRESENTATIVES, *February 15, 1877.*

The committee on elections, to whom were referred the petition of D. M. Prescott and others that the seat as representative from the twenty-second Middlesex district may be given to Thomas R. Garity, and the remonstrance of George A. Cheney and others against the admission of E. J. Crossman as representative from said district, submit the following

REPORT:

The district in question is the twenty-second Middlesex, comprising ward 3 in Lowell, electing one representative. The petition set forth three several allegations, no one of which was proved to the satisfaction of the committee.

1. The first allegation was that the sitting member had not for one year previous to his election been an inhabitant of the district, and consequently was ineligible. The evidence submitted, proved to the satisfaction of the committee the following facts: Mr. Crossman, the sitting member, came to Lowell to reside some years ago, and for several years occupied, in common with his daughter and her husband, a house on Highland street, in the district. Mr. Crossman has had no family (excepting this daughter) for some years. This house on Highland street

was burned November 29, 1875, and thereupon Mr. Crossman and his daughter separated. He went to board at a house on Alder street, out of the district, where he has continued to board up to the present time, and the daughter went in another direction, also out of the district, and went to keeping house again. Soon after the fire, Mr. Crossman caused the foundations and cellar of the burned house to be boarded up for protection from the elements, and in the spring he made a contract for rebuilding. The work of rebuilding began in July, and has been going on without interruption since that time, excepting a few weeks in the fall, when the carpenter was otherwise engaged. The house is now nearly ready for occupancy, and Mr. Crossman intends to occupy it as soon as it is ready, and has rebuilt it with that intention. A few of the things in the cellar were never moved at all, such as the furnace, coal and wood, garden-tools, and some other articles of like nature. Without Crossman's knowledge, the assessors assessed him the last year in ward 6; but upon the tax-bill being presented to him in September, he declared it was incorrect; and he went forthwith to the assessors, and had the correction made and his name restored to the ward-3 list.

The above was all the evidence material to the issue, and upon it the committee are unanimous that the sitting member has clearly been, within the meaning of the constitution, an inhabitant of the district from which he was chosen during the whole of the year preceding his election. His absence from the district was temporary, induced by necessity, and with a fixed, definite, and continuing intention of return. All the elements which constitute a termination of residence are wanting, excepting the single one of bodily absence, and that has always been considered to be of at least minor importance among the facts necessary to establish a change of inhabitancy.

2. It was alleged that the votes were erroneously counted, and the counsel for the petitioners proposed to show, in support of this, that the votes were counted by a number of the ward-officers, and that the count of one officer was not in all instances verified by the others. He also proposed to show that at the December election the same officers made a number of gross errors in counting votes. The committee thought that these facts, if proved, constituted no reason for a recount, and declined to hear the evidence.

3. The petition alleged that various irregularities were practiced to secure the election of the sitting member. The evidence on this point was generally to prove the hiring of a large number of vote-distributors, the distribution of a number of checks among the voters, redeemable in liquor, cigars, &c., at a saloon near by, and the distribution of a small quantity of refreshments at noon in the ward-room. All these things were done at the instance and under the direction of certain members of the political party of which the sitting member was the candidate, and subsequently he and other candidates of the party contributed to pay the bills of the expenses of the election; but it did not appear that he knew, or had any reason to know, the specific purpose to which the money was applied.

Your committee, while unanimous in condemning some of the acts proven to have been done, as inconsistent with the purity of the elective franchise, were divided upon the question whether an election of representative should be set aside upon proof of general irregularities, like those above referred to, or whether there should not be specific evidence of bribery of voters, sufficient, if the corrupt votes were excluded, to change the result. The cases cited by the petitioner's counsel—Bradford, 1 O'Malley, and Hard Castle's election cases, 35; Poole, 2 ditto.,

123; and Kidderminster, 2 ditto, 177—point very strongly to the former position; but they are all English cases, decided upon statutes governing elections much more strict than anything in Massachusetts. The committee, however, did not deem it necessary to decide the question, as the evidence failed to satisfy them on two material points, viz:

First. That any of the acts proven actually had any influence upon the minds of the voters.

Second. That (even admitted that undue influence was exercised) the sitting member authorized, consented to, or knowingly ratified the same. The proof failing in these two essential points, the committee think the election should stand. (Williams' case, C. S. & J., 383; *vide* also Keeler's case, C. S. & J., 55.)

The committee therefore unanimously recommend that the petitioners and remonstrants have leave to withdraw.

For the committee,

HOSEA M. KNOWLTON.

To whom it may concern:

The within report was accepted by the house of representatives February 16, 1877.

GEO. A. MARDEN, *Clerk.*

H. R., May 8, 1877.

W. W.—7.

LYNN, November 13, 1876.

Hon. JACOB M. LEWIS, *Mayor:*

SIR: You have requested me to state in writing what action, if any, can, in my opinion, be taken by the board of aldermen upon the petition of Benj. Proctor and others for a recount of votes for representatives in ward 6 in Lynn, at the late election.

The petition in question is in these words:

“LYNN, November 8, 1876.

“*To his Honor the Mayor and Board of Aldermen:*

“GENTLEMEN: We, the undersigned, do petition your honorable body for a recount of votes for representative in the eleventh district, ward 6, Lynn, Mass. N. B. Believing the returns to be erroneous, as we learn that three or four counts were made and no two agreed.”

This petition, I understand, was filed with the city clerk within three days after the day of the election, and by him transmitted to the board of mayor and aldermen.

The provisions of the statutes of this commonwealth, relating to such a recount as stated, is found in section 4 of chapter 188 of the acts of 1876, and is as follows:

“If within three days next following the day of any election ten or more qualified voters of any ward shall file with the city clerk a statement in writing that they have reason to believe that the returns of the ward officers are erroneous, specified wherein they deem them in error, said city clerk shall forthwith transmit such statement to the board of aldermen or the committee thereof appointed to examine the returns of said election.” The section further provides that the aldermen or committee of the board shall then within the time limited “open the envelope, examine the ballots thrown in said ward, and *determine the question raised.*”

It appears to me, and I respectfully submit, that until *such a statement as is described in the statute* is filed and transmitted, the board of aldermen has no authority to act, and therefore the only question is, is this such a statement?

I observe, in the first place, that there is no allegation that the signers are qualified voters of ward 6 in Lynn. The general rule is that every document of this nature should allege all that is necessary to give jurisdiction to the board which is to pass upon it, but as the same strictures should not perhaps be here required as in some cases, and as by the records in the city-hall it can easily be ascertained whether the signers are such voters, I should hesitate to reject the petition upon what might perhaps be deemed a technicality; but I submit that there are two respects in which the paper in question fails to meet the requirements of the statute.

1. There is no allegation that the signers have *any reason to believe* that the returns are erroneous; and,

2. They have wholly failed to specify wherein they deem them in error, and in event of such a specification there is no question raised for the aldermen or committee *to determine*.

I should the more regret the conclusion to which I am forced to come if the rejection of the petition could have the effect to deprive any person of his rights, or if the evidence upon which those rights must finally be determined, but by the constitution of Massachusetts the house of representatives is the judge of the returns, election, and qualification of its own members, and the statute before cited, in its 2d section, provides for the preservation of the ballots thrown, subject to the order of the body to which any person claims to be elected, upon the proper notice being given of his claims; so that a failure to recount by the aldermen or a committee can work no injustice to any one, while on the other hand a recount of the ballots upon this petition would, in my opinion, be wholly unauthorized, and any amended return made on the basis of such recount might, and probably would, be rejected.

Very respectfully,

WM. HOWLAND,
City Solicitor.

A true copy. Attest:
[SEAL.]

E. B. NEWHALL,
Assistant City Clerk.

W. W.—8.

[Senate.—No. 5.]

COMMONWEALTH OF MASSACHUSETTS:

IN SENATE, *January 15, 1874.*

The special committee on the returns of votes for senators, to which was committed the petition of Thaddens Graves, of Hatfield, contesting seat of Francis Edson, of Hadley, for Hampshire senatorial district,

REPORT:

The petitioner in this case desires a recount of votes throughout the district, for the reason that he believes the returns embody substantial errors, owing to mistakes in counting the ballots. He also declares his

conviction that votes were cast by minors, and others not entitled to vote, sufficient to change the result.

Upon the hearing given Mr. Graves the charge of illegal voting was abandoned by him, and he rested his case entirely on these grounds:

That in Northampton, the largest town in the district, and where he fell much behind his ticket, all the parties who counted the votes were opposed to his election, and the manner of counting was unusual and unsafe. That in the town of Easthampton there was so remarkable a coincidence in the figures of the returns that it demands an investigation by recount.

The petitioner was not prepared to prove, nor did he allege, any illegality in either case; the unsafe method of counting in Northampton was that the votes were, in part at least, counted by only one of the selectmen; and the coincidence in Easthampton was that while there were a number of tickets in the field supposed to be playing at cross-purposes, the returns show that he received exactly the same number of votes as the governor elect, while his opponent received exactly the same number as did William Gaston for governor.

Mr. Graves also put in a petition, addressed to your committee, signed by about 125 persons, praying for a recount of votes in this district for the purpose of verifying the result.

Your committee forbear any comments on this case, and beg to refer the honorable senate to house document No. 13, year 1872, where, in a similar case, a committee of the house, one of whom is now a member of this body, reported and recommended the following rule, which we also commend to the senate for their consideration.

The rule is this: that, in the absence of any proof or evidence of fraud in the acts of the selectmen, or of illegality in the manner of calling, holding, or conducting the meeting at which the election is held, or in the manner of ascertaining the election of representative, unless the petitioner shows a reasonable ground for supposing an error in the count as made and returned by the selectmen, other than the mere fact of their being but a few votes between the number of votes thrown for the contestant and the sitting member, the committee will not recount the ballots that may have been preserved.

As in this case there is no evidence of illegality or fraud, nor reasonable ground for supposing any to exist, or for supposing any error in the count, save the fact that the sitting member had a small plurality, your committee do not feel justified in ordering persons and papers for a recount of all the votes in this district; and, therefore, report leave to withdraw.

JONATHAN A. LANE.
WALTER N. MASON.
B. T. BATCHELLER.
THOMAS INGALLS.

SENATE, April 21, 1877.

The foregoing report was accepted in the senate January 16, 1874.

S. N. GIFFORD,
Clerk of Massachusetts Senate.

W. W.—9.

[Senate.—No. 2.]

COMMONWEALTH OF MASSACHUSETTS:

IN SENATE, *January 12, 1874.*

The special committee on the returns of votes for senators, to which was committed the petition of Jeremiah Clark, of Lowell, asking for a recount of votes for senator in the seventh Middlesex senatorial district, with power to send for persons and papers,

REPORT:

That they have attended to this duty without delay, the clerks of the towns of Dracut and Chelmsford and of the city of Lowell being summoned to appear, with all the ballots cast for senator in that district at the last election, and with such other papers as might be of aid to us; that said clerks duly appeared and were duly sworn; that the ballots which they brought with them had been duly sealed and kept according to the requirement of the statute, and were all the ballots cast at said election for senator in said seventh Middlesex district. Whereupon said clerks retired and we proceeded, four members of the committee being present, to a careful count and examination of all of said votes, every vote passing through the hands of every member of the committee present.

In the process of said counting and examination, all votes that were of a doubtful character—concerning which your committee felt that a deliberate reconsideration or reflection might be necessary—were carefully put aside into envelopes, and the locality where they were cast marked upon them. Of such votes, they found in the process of counting all, five only—two from ward six in Lowell, and three from ward one. These were carefully set aside, and at the close of the recount taken into the possession of the chairman of your committee.

The result of our recount, exclusive of the five votes, was as follows:

	Clark.	Salmon.	Scattering.
Town of Dracut	140	81	1
of Chelmsford	224	119	..
City of Lowell, ward 1	191	229	..
" " " 2	270	300	..
" " " 3	329	464	..
" " " 4	371	383	..
" " " 5	412	416	..
" " " 6	217	162	1
	2, 154	2, 154	2

This result is so surprising that we think it proper here to say that we did not put these figures in column to determine their aggregate until we had completed our recount and examination.

Upon the decision, then, to whom we give the five votes, previously referred to, depends the result of this election. We therefore refer to them in detail.

Vote number one was a democratic ticket, on which the name of

William F. Salmon, senator seventh Middlesex district, was covered by a paster, loosely attached, bearing the name Jeremiah Cla, a portion of the end of the paster having been evidently torn off, taking the two last letters of the name Clark. This vote, which probably by legal technicality might be thrown out, your committee without hesitation give to Jeremiah Clark, believing it to be intended for him *without doubt*, but somewhat damaged in the handling.

Numbers two and three of these equivocal votes were so alike in character that we speak of them and class them together.

They were republican tickets, having in bold letters on the center, For senator seventh district, Jeremiah Clark, of Lowell. One of these votes had written upon the margin, at the bottom of the ballot, in pencil, W. F. Salmon, senator. The other had, securely attached by pins, just below the name of Clark, a strip cut from a democratic ticket, printed, for senator seventh Middlesex district, William F. Salmon, of Lowell. These votes indicate a purpose on the part of the voters to give their suffrages to Salmon for senator, but, omitting to erase or cover the names of the other senatorial candidate, the names of *both candidates* for senator appear on each ballot.

Your committee decide that, although it may seem unfair to Salmon, on principles of equity, yet as a matter of rule and duty both should be thrown out.

We reach, then, the two remaining ballots, numbers four and five, which we also class together. They are both democratic tickets, and on them the name of William F. Salmon, for senator seventh Middlesex district, is unimpaired and unimpinged; but on one of them the name of Jeremiah Clark is pasted over that of John C. Blood, representative, and doubtless depriving him of one vote; on the other, the name of Jeremiah Clark is pasted at the top of the ballot over the name of Benjamin F. Mills, secretary of state, and partly covering that of Nathan Clark, treasurer and receiver-general. *The designation of senator seventh Middlesex district does not* appear on either of these pasters.

It may be imagined, and was thus argued before your committee, that these pasters were designed to be senatorial votes for Clark. *Your committee cannot allow themselves to go so far in attempting to divine the intents of blunder-heads at the polls* as to thus judge in this affair.

We believe that in good sense and good law these two votes should be credited to William F. Salmon, of Lowell, senator.

Thus the five doubtful votes are disposed of by your committee; one given to Clark; two thrown out; two given to Salmon, and by the united judgment of the acting members of this committee Hon. William F. Salmon, of Lowell, is confirmed in his seat by a plurality of one vote.

Your committee feel bound to add that, upon returning to their room this morning, for a hearing, they found upon their table a paster—William F. Salmon, senator. Whether this was a vote of itself which escaped our notice, or a paster which had fallen off, having been already counted, your committee could not determine. It does not affect the result.

JONA A. LANE,
Chairman.

SENATE, April 20, 1877.

The foregoing report was accepted in the senate, January 13, 1874.

S V. GIFFORD,
Clerk of Massachusetts Senate.

W. W.—10.

[House.—No. 71.]

COMMONWEALTH OF MASSACHUSETTS:

HOUSE OF REPRESENTATIVES,
February 11, 1875.

The committee on elections, to whom was referred the petition of Moses F. Carr for a recount of ballots cast at the election, held the 3d day of November last, for representative from the seventeenth Essex representative district, composed of wards 2 and 5 of the city of Lynn, as no evidence was offered in support of the petitioner's claims, and he declined to request further time for that purpose, report that the petitioner have leave to withdraw.

For the committee.

A. B. COFFIN.

HOUSE OF REPRESENTATIVES,
April 21, 1877.

The foregoing report was accepted in the house of representatives, February 12, 1875.

W. S. SOUTHWORTH,
Assistant Clerk Massachusetts House of Representatives.

W. W.—11.

[House.—No. 48.]

COMMONWEALTH OF MASSACHUSETTS:

HOUSE OF REPRESENTATIVES, *February 4, 1873.*

The committee on elections, to whom was referred the petition of Albert A. Austin, of Norton, asking for a recount of the votes thrown for representative in the second Bristol district, submit the following

REPORT:

That it appears, from evidence before the committee, that the vote for representative in the towns of Norton and Mansfield, comprising the second Bristol representative district, was as follows :

Town of Norton, for Andrew H. Sweet, of Norton.....	161
Town of Mansfield, for Andrew H. Sweet, of Norton.....	155
Total for Sweet	316
Town of Norton, for Albert A. Austin, of Norton.....	97
Town of Mansfield, for Albert A. Austin, of Norton.....	212
Total for Austin.....	309

Thus showing that by the count, as made and returned by the selectmen of Norton and Mansfield, Andrew H. Sweet, of Norton, the sitting member, was elected by a plurality of seven votes.

The petition of the contestant reads as follows :

“ To the house of representatives of the commonwealth of Massachusetts :

“ Albert Austin, of Norton, in the county of Bristol, respectfully represents that he claims an election as representative in general court in place of Andrew H. Sweet, esquire, who now represents the second district in the county of Bristol in your body. That within sixty days after the election held November 5th, 1872, he served a notice on the clerks of the towns of Norton and Mansfield, respectively, claiming an election, and he now prays that your body will order a recount of the ballots cast at said election for representative in general court, he claiming that such recount will show a majority in his favor, and that the certificate of election should be issued to your petitioner.

“ALBERT A. AUSTIN.”

The committee have been governed in their decision in this case by a rule adopted by a former committee on elections, which was indorsed by the house of representatives as a precedent to govern future committees on elections in similar cases, which is this: That in the absence of any proof or evidence of fraud in the acts of the selectmen, or of illegality in the manner of calling, holding, or conducting the meeting at which the election is held, or in the manner of ascertaining the election of representatives, unless the petitioner shows a reasonable ground for supposing an error in the count, as made and returned by the selectmen, other than the mere fact of there being but a few votes between the number of votes thrown for the contestant and the sitting member, the committee will not recount the ballots that may be produced.

No evidence having been offered before your committee in support of the petitioner's claim, other than the fact that there is but seven votes' difference in the number of ballots cast for the sitting member and the petitioner, the committee therefore recommend that the sitting member, Andrew H. Sweet, is entitled to his seat.

For the committee.

E. L. BIGELOW.

HOUSE OF REPRESENTATIVES,
April 21, 1877.

The foregoing report was accepted in the house of representatives February 6, 1873.

W. S. SOUTHWORTH,
Assistant Clerk, Massachusetts House of Representatives.

W. W.—11½.

[House.—No. 65.]

COMMONWEALTH OF MASSACHUSETTS :

HOUSE OF REPRESENTATIVES,
February 10, 1875.

The committee on elections, to whom was referred the petition of William Taylor for a recount of ballots for representatives from the

second Suffolk district; cast at the election held the third day of November last, report as follows:

Ward two, of the city of Boston, constitutes said district, which is entitled to three representatives to the general court.

It was admitted that at said election the three sitting members and the petitioner, according to the returns by the ward officers, received the following number of votes:

Neil Doherty	1,077
Patrick Collins	1,017
Michael Carney	1,005
William Taylor	871

The counsel for the petitioner claimed that said ballots ought to be recounted by your committee for this reason: The ballots cast in said ward, at said election, were examined and recounted by the aldermen of Boston with reference to the vote for member of Congress. It was then discovered by the aldermen that of two rolls, each of which was marked "One hundred straight tickets," one contained but eighty-eight, the other but seventy-eight, ballots. These facts were admitted by Mr. Carney, one of the sitting members.

The mistake relates to thirty-four votes. There was no evidence introduced tending to show for whom these ballots were cast, if they ever were cast.

If we assume that Mr. Carney was allowed in the returns thirty-four more votes than he actually received, or that the petitioner in fact received that number of votes more than were returned by him, Mr. Carney would still have a plurality of one hundred.

It was admitted that no other error was discovered by the aldermen in the vote of said ward, or in the returns of the ward-officers.

The character of this error is such, in the opinion of the committee, as not to lead them to infer that other mistakes were probably made, the correction of which would give the petitioner a plurality. The committee therefore report that the petitioner have leave to withdraw.

For the committee.

A. B. COFFIN.

HOUSE OF REPRESENTATIVES,

April 21, 1877.

The foregoing report was accepted in the house of representatives February 11, 1875.

W. S. SOUTHWORTH,

Assistant Clerk. Massachusetts House of Representatives.

W. W.—12.

[House.—No. 14.]

COMMONWEALTH OF MASSACHUSETTS:

HOUSE OF REPRESENTATIVES,

January 23, 1875.

The committee on elections, to whom was referred the petition of James McManus, democratic candidate for representative from the thirteenth Middlesex district, for a recount of the ballots cast at the

election, November 3, 1874, for representative from said district, having heard the statements of the petitioner and of the sitting member from said district, and the evidence offered by each,

REPORT :

The town of Natick constitutes said district. The petitioner at the hearing gave as reasons for asking a recount, that a Mr. Mason, who was not one of the selectmen of Natick, assisted in counting the ballots at said election, and that the returns showed that the democratic candidates for other offices received more votes than the petitioner. It appeared in evidence that all the selectmen were present at the polls at said election, that one of them counted all the ballots, and that all the ballots were again counted by Mr. Mason. The result of the count was the same. The committee are satisfied that the ballots were carefully counted. The house sustained an election, where the committee on elections reported, in House Document No. 64, 1867, that nearly four-fifths of the ballots were not counted by the selectmen, but were counted only by persons called to assist in counting. The other reason given by the petitioner, namely, that he received less votes than other candidates of the same party for other offices on the same ballot, is of such frequent occurrence as to raise no presumption in the minds of the committee that a mistake was made in the count. William Nutt, chairman of the board of selectmen, testified that he saw put into the ballot-box quite a number of ballots with the vote for representative torn off.

Your committee, therefore, recommend that the petitioner have leave to withdraw.

A. B. COFFIN,
For the Committee.

HOUSE OF REPRESENTATIVES,
April 21, 1877.

The foregoing report was accepted in the house of representatives January 25, 1875.

W. S. SOUTHWORTH,
Asstant Clerk, Massachusetts House of Representatives.

Report accepted. (House Journal, 1875, p. 71.)

W. W.—13.

[House.—No. 59.]

COMMONWEALTH OF MASSACHUSETTS :

HOUSE OF REPRESENTATIVES,
February 8, 1875.

The committee on elections, to whom was referred the petition of Seorem B. Slate, for a recount of ballots cast for representatives in the third Franklin representative district at the election held on the third day of November last, having heard the petitioner and the sitting members, submit the following

REPORT:

The petitioner requests a recount for the reasons that there was a great variety of tickets cast; that the ballots were altered and scratched in large numbers; that in the town of Greenfield the votes were counted by tellers and not by the selectmen; and that the returns from the whole district showed that Charles H. Green, of Northfield, had but nineteen votes more, and William Keith, of Greenfield, but six votes more, than the petitioner received.

It was admitted that the returns showed only the pluralities above stated. The house has decided, on the report in House Doc. No. 35, that the fact of a small plurality is in itself no ground for a recount, thereby following the precedent referred to in that report.

It was also admitted that the ballots in Greenfield were counted by two of the voters, who were invited by the selectmen to perform that service; and that no objection to that manner of counting was made by any one during the election.

The statute provides that the votes "shall be received, sorted, and counted by the selectmen." This duty is, therefore, imposed by law upon those officers, and electors are entitled to have it performed by them with the care and fidelity implied in their official oath.

Its performance by others, however, would seem to affect the validity of the election rather than furnish a reason for a recount, since dishonest tellers might easily conceal, alter, or destroy ballots, in which case another count would still bring a false result.

While the custom of allowing unqualified persons to count ballots deserves censure, it has been held an insufficient cause for avoiding an election. (House Doc. No. 64, 1867.)

There was no evidence in support of the other allegations which led your committee to doubt that the votes were correctly counted and returned.

The committee therefore recommend that the petitioner have leave to withdraw.

For the committee:

A. B. COFFIN.

H. R., *Apr.* 21, 1877.

The foregoing report was accepted in the house of reps. February 9, 1875.

W. S. SOUTHWORTH,
Asst. Clk. Mass. Ho. Reps.

W. W.—14.

[House.—No. 13.]

COMMONWEALTH OF MASSACHUSETTS:

HOUSE OF REPRESENTATIVES,
January 20, 1872.

The committee on elections, to whom was referred the petition of T. Preston Burt, of Berkley, contestant for the seat now held by William Babbitt, of Berkley, as representative from the fifth Bristol district,

REPORT:

That it appears from evidence before the committee that the vote in the towns of Berkley, Dighton, Seekonk, and Rehoboth, composing the district, was as follows:

In Berkley, whole number of votes for Babbitt,	97;	Burt,	70
Dighton, " " " "	42;	"	106
Rehoboth, " " " "	64;	"	67
Seekonk, " " " "	58;	"	14

Making a total for William Babbitt of..... 261; for T. P. Burt, 257

thus showing that by this count, as made and returned by the selectmen of the several towns, William Babbitt was elected by a plurality of four votes over T. Preston Burt.

The contestant based his claim on two grounds:

1st. "That the count, as returned from the several towns, was erroneous."

2d. "That votes were cast in the town of Berkley for William Babbitt, by" three persons not qualified to vote, "and their votes were counted and returned as legal votes."

The second claim was subsequently abandoned by the contestant, and he rested his contest on the ground that the count as made and returned by the selectmen of the several towns was erroneous.

The committee have been led to their decision in this case by one general rule which they have adopted, and which they now ask the house to indorse, and thus furnish a precedent not only for the present committee, but for future committees.

The rule is this: That, in the absence of any proof or evidence of fraud in the acts of the selectmen, or of illegality in the manner of calling, holding, or conducting the meeting at which the election is held, or in the manner of ascertaining the election of representative, unless the petitioner shows a reasonable ground for supposing an error in the count as made and returned by the selectmen, other than the mere fact of their being but a few votes between the number of votes thrown for the contestant and the sitting member, the committee will not recount the ballots that may have been preserved.

No other evidence, therefore, having been offered before your committee in support of the petitioner's claim other than the fact that there is but four votes difference in the number of votes cast for William Babbitt, the sitting member, and the contestant, the committee report that the petitioner have leave to withdraw.

A. G. SINCLAIR.
A. J. BAILEY.
E. L. BIGELOW.
WILLIAM A. ADAMS.
HENRY JONES.
T. M. CARTER.

H. R., Apr. 21, 1877.

The foregoing report was accepted in the house of reps. Jan. 22, 1872.

W. S. SOUTHWORTH,
Asst. Clk. Mass. Ho. Reps.

W. W.—15.

[House.—No. 35.]

COMMONWEALTH OF MASSACHUSETTS:

HOUSE OF REPRESENTATIVES,
January 29, 1875.

The committee on elections, to whom was referred the petition of Thomas R. Greene for a recount of ballots cast for representative in the fifth Hampshire representative district, submit the following

REPORT:

The petitioner and the sitting member, William E. Bridgman, appeared before the committee. It was admitted that, by the returns of the votes for representative in said district, said Bridgman had a plurality of but five votes.

The petitioner claimed that he had positive information that one ballot bearing the name of Calvin Bridgman was counted for the sitting member, and that there were rumors of other errors, which, however, he had not been able to trace to any reliable source. Mr. Bridgman stated that he had no knowledge there was an error even of one vote. The petitioner introduced no evidence as to the error alleged in counting this single ballot, and stated that he had no testimony to present in proof of any other errors, and that he did not charge any fraud in the count or returns.

Even admitting a mistake in counting one ballot erroneously for Mr. Bridgman, he would still have a plurality of four votes, precisely the same number as in the case of T. Preston Burt, petitioner, reported to the house in document No. 13, 1872. In this case the house seems to have adopted as a precedent that the mere fact of a close vote is not sufficient reason for making a recount.

Your committee therefore report that the petitioner have leave to withdraw.

For the committee.

A. B. COFFIN.

HOUSE OF REPRESENTATIVES,
April 21, 1877.

The foregoing report was accepted in the house of representatives January 30, 1875.

W. S. SOUTHWORTH,
Assistant Clerk Massachusetts House of Representatives.

W. W.—16.

[House.—No. 69.]

COMMONWEALTH OF MASSACHUSETTS:

HOUSE OF REPRESENTATIVES,
February 14, 1872.

The committee on elections, to whom was referred the petition of George E. Davis, claiming the seat in the house of representatives now

held by Patrick Murphy, of Lawrence, as a member from the third Essex representative district, submit the following

REPORT:

The petitioner assigned as the ground for his claim—

“That the original returns as made from wards 1, 2, 3, 4, and 5 of the city of Lawrence (a portion of said Essex district) were grossly incorrect. That a recount of the votes thrown for representative in these wards shows that the errors in the original count and return of such votes were of such magnitude as to give Patrick Murphy an apparent plurality in the whole district. Whereas a correct count of the vote in those five wards, (with the count of ward 6, and the town of Methuen, comprising the whole district,) as originally counted and returned, show that the petitioner, and not Patrick Murphy, has such plurality of votes legally thrown for representative as aforesaid. And further alleges that upon a recount of the votes in wards 1, 2, 3, 4, 5, and 6 of the city of Lawrence, and of the votes in the town of Methuen, (being the whole third Essex district,) it will appear that he has received a plurality of votes thrown for representative over Patrick Murphy, and therefore is entitled to his seat in the house of representatives.”

From the records of the city clerk of Lawrence, your committee find that the ballots cast at the last State election for a representative from the third Essex district, as returned by the ward officers, were as follows:

For Patrick Murphy in ward 1	204
George E. Davis in ward 1	234
Patrick Murphy in ward 2	265
George E. Davis in ward 2	271
Patrick Murphy in ward 3	273
George E. Davis in ward 3	184
Patrick Murphy in ward 4	369
George E. Davis in ward 4	181
Patrick Murphy in ward 5	123
George E. Davis in ward 5	214
Patrick Murphy in ward 6	112
George E. Davis in ward 6	121

From the records of the town clerk of Methuen, your committee find that the following is the result of the ballots cast at the last State election:

That George E. Davis received	290
Patrick Murphy received	157
Making a total vote for Patrick Murphy ..	1, 503
Making a total vote for George E. Davis ..	1, 495
Mr. Murphy's plurality, 8.	

Upon that result Patrick Murphy was declared to be lawfully elected, and received his certificate of election as a member of the house of representatives from the third Essex district, and was admitted to a seat in this house.

It appeared on evidence that ten days after the State election, viz, on the 17th day of November, 1871, the aldermen of the city of Lawrence made a recount of the ballots thrown in wards 1, 2, 3, 4, and 5 of the city, (petitions having been sent in from those wards, signed by ten or more citizens, asking for a recount,) and found that, taking the vote

from ward 6 of the city, as returned by the ward officers, and the vote of the town of Methuen, as declared by the selectmen, and recorded by the town clerk, the result was as follows:

In ward 1, for George E. Davis	232
In ward 1, for Patrick Murphy	205
In ward 2, for George E. Davis	271
In ward 2, for Patrick Murphy	264
In ward 3, for George E. Davis	190
In ward 3, for Patrick Murphy	274
In ward 4, for George E. Davis	184
In ward 4, for Patrick Murphy	368
In ward 5, for George E. Davis	221
In ward 5, for Patrick Murphy	126

The vote from ward 6 as recorded :

For George E. Davis	121
Patrick Murphy	112

The vote of the town of Methuen as recorded :

For George E. Davis	290
Patrick Murphy	157

By that recount it appeared that

George E. Davis received	1,509 votes.
Patrick Murphy "	1,506 "

Giving George E. Davis a plurality of 3 votes.

Your committee were of the opinion that the aldermen of the city of Lawrence had no authority to recount the votes: first, for the reason that section 2 of chapter 144 of the acts of 1863 had been grossly violated.

Sections 1, 2, and 3 of chapter 144, acts and resolves of 1863, read as follows:

"SEC. 1. In all elections held within the cities of the commonwealth, whether the same shall be for United States, State, county, city, or ward officers, it shall be the duty of the warden or other presiding officer to cause all ballots which shall have been given in by the qualified voters of the ward in which such election has been held, and after the same shall have been sorted, counted, declared, and recorded, to be secured in an envelope, in open ward meeting, and sealed with a seal provided for the purpose; and the warden, clerk, and a majority of the inspectors of the ward shall indorse upon the envelope for what officers, and in what ward the ballots have been received, the date of the election, and their certificate that all the ballots given in by the voters of the ward, and none other, are contained in said envelope.

"SEC. 2. The warden or other presiding officer shall forthwith transmit the ballots sealed as aforesaid to the city clerk by the constable in attendance at said election, or by one of the ward officers other than the clerk; and the clerk shall retain the custody of the seal, and deliver the same, together with the records of the ward and other documents, to his successor in office.

SEC. 3. The city clerk shall cause to be furnished to the clerks of the several wards a seal of suitable device, the design of which shall include the number or designation of the ward for which it shall be furnished. He shall receive and retain in his care the ballots trans-

mitted to him, for the space of not less than sixty days; if within the time prescribed by law for forwarding returns or declaring the results of an election, ten or more citizens of any ward shall notify the city clerk, by a written statement, that they have reason to believe that the returns of the ward-officers are erroneous, and shall specify wherein they deem them in error, the said clerk shall receive such statement, and shall notify the board of aldermen or the committee thereof appointed to examine the returns of said election, and the board of aldermen or their committee shall, within the time required by law for examining the returns or declaring the results of the election, examine the ballots thrown in said ward and determine the questions raised. They shall then reseal the envelope, either with the seal of the city or a seal provided for the purpose, and shall indorse upon said envelope a certificate that the same has been opened and resealed by them in conformity to law; and the ballots, sealed as aforesaid, shall be returned to the city clerk, who, upon their certificate, shall alter and amend such returns as are found to be erroneous, and such amended return shall stand as the true return of the ward. And if, within sixty days of an election, any person who received votes for any office at said election shall serve upon the city clerk by himself, his agent or attorney, a written notification claiming an election to such office, and declaring an intention to contest the right of any person who has received or who may receive a certificate of election for the same, the city clerk shall retain such ballots, sealed as aforesaid, subject to the order of the body to which such person shall claim to have been elected, or until such claim shall have been withdrawn or finally decided."

Your committee interpret the meaning of section 2 of chapter 144 of the acts of 1863 as being something more than directory to the ward officers, but that all the provisions of section 2 must be complied with to preserve the purity of the ballots, so that a recount could be made by the proper authorities. And it would seem that the only remedy for persons aggrieved by reason of ward officers not complying strictly with this statute would be to enforce the 5th section of this same chapter, wherein it provides for a punishment for neglect of duty by a fine of not less than twenty or more than two hundred dollars, or by imprisonment in the county jail for a term not exceeding one year.

Upon the evidence before your committee it appeared that the ballots from nearly all of the wards of the city of Lawrence were returned by the clerks of the wards or some other unauthorized person, and that from *all* the wards the ward seals were returned with the ballots to the city clerk.

No evidence was introduced to show fraud or that the ballots had been tampered with previous to the recount by the aldermen, but your committee were of the opinion that if they overlooked this violation of the law and judged that the aldermen had a legal right to recount the ballots, it would be establishing a dangerous precedent, tending to uncertainty and fraud in elections. Therefore, believing that the recount by the aldermen was illegal, and it was tampering with the ballots, your committee are of the opinion that it would be neither right nor just to take the recount by the aldermen as the correct result of the election; neither would it be right or just to take the ballots as they now are, purporting to be some and all that were cast at the last State election in the third Essex representative district, and count them at the present time.

Your committee also think that the aldermen of the city of Lawrence had no authority to recount the ballots at the time they did, for the

reason that the notice to the city clerk had not been given within the proper time.

Sections 12 and 13 of chapter 8 of the general statutes relating to the election of representatives to the general court read as follows:

"SEC. 12. The clerks of cities, towns, and wards composing such districts shall meet at noon on the day following an election for representatives at the place so designated, and shall examine and compare such transcripts, and ascertain what persons have been elected. If any error appears in a transcript or return, the clerks shall forthwith give notice thereof to the officers required to make the return, and such officers shall forthwith, in conformity with the truth and under oath, make a new return, which, whether made with or without such notice, shall be received and examined by said clerks within two days after the time appointed for the meeting; and for that purpose the meeting may be adjourned not exceeding two days.

"No return shall be rejected when the number of votes given for each candidate can be ascertained.

"SEC. 13. Such clerks shall at such meeting make out under their hands a complete return of all votes cast for representatives in the district, the names of all persons for whom such votes were given, and the number of votes for each person, and a record of the return shall be made in the book of records of their respective cities, towns, and wards within four days after the day of the meeting."

Section 3 of chapter 144, acts 1863, reads: "If, within the time prescribed by law for forwarding returns or declaring the results of an election, ten or more citizens of any ward shall notify the city clerk, &c." If that portion of the section is complied with, the board of aldermen shall, within the time required by law for examining the returns or declaring the results of the election, examine the ballots and determine the questions raised.

It seems to your committee that the proper time to give notice to the city clerk, and the recount by the mayor and aldermen of the ballots cast for representatives, would be within four days from the time of election—interpreting the meaning of declaring the results of an election for representatives to the general court to be whenever the clerks of towns and cities comprising a representative district have met and compared transcripts and ascertained what persons have been elected.

The selectmen and town clerk of Methuen testified that the law in regard to the preservation of ballots in towns, passed by the legislature in 1871, was not complied with by them at the last State elections; but that the ballots, after the adjournment of the meeting, had been taken out in a ballot-box into another room by the selectmen, then tied up in a paper, put in a closet which was not locked, and within a day or two sealed up, but were never delivered to the town clerk till within a day or two previous to the first hearing by the committee.

It seemed to the committee that the ballots from the town of Methuen could not be recounted.

From further evidence before your committee it appeared that illegal votes were cast in the city of Lawrence at the last State election. The committee were unanimous as to their opinion in regard to three votes.

One M. W. Cox voted in ward 1 in the city of Lawrence; had not lived long enough in the State to be entitled to vote; testified that he voted for George E. Davis for representative.

One Holmes Crowpher voted in ward 1; was not legally assessed. A majority of the committee thought he had no legal right to vote.

The question was asked him for whom he voted. The committee

ruled that he need not answer unless he chose. He declined to answer. Other evidence was introduced to show that he said he voted the labor-reform ticket; and still further evidence was introduced to show that the name of George E. Davis was upon that ticket as a representative for the third Essex district.

One L. S. Hersey voted in ward 5. In the opinion of your committee he had not lived there long enough to entitle him to vote.

In answer to the question, "For whom did you vote?" he replied, "Did not know what name was on my ticket." In reply to the question, "What ticket did you vote?" he said, "Voted the republican ticket." In reply to the question, "Did you erase any name on the ticket?" he said he did not. Upon other evidence it was shown that the name of George E. Davis was upon the republican ticket for representative from the third Essex district.

Your committee, therefore, think that if they should admit that the aldermen of the city of Lawrence had a right to recount the ballots, and that they should be counted at the present time, it would be fair to presume, from other evidence that was introduced, that Patrick Murphy did receive a plurality of votes for representative from the third Essex district at the last State election, and is therefore entitled to his seat in the house of representatives.

We would recommend that the sitting member, Patrick Murphy, is entitled to his seat.

E. L. BIGELOW.
A. G. SINCLAIR.
HENRY JONES.
WILLIAM A. ADAMS.

HOUSE OF REPRESENTATIVES, *April 21, 1877.*

The foregoing report was accepted in the house of representatives February 15, 1872.

W. S. SOUTHWORTH,
Assistant Clerk Massachusetts House of Representatives.

MINORITY REPORT.

The undersigned, minority of your committee, while agreeing that the evidence submitted is substantially as set forth in the foregoing report of the majority, are compelled to differ in the conclusions adopted.

The recount by the mayor and aldermen of Lawrence, made in good faith and in the full belief that they were acting in accordance with law, has satisfied the minority that there is good reason for believing that the original count of the ward officers is incorrect. If, then, the non-compliance with the strict letter of the law in the preservation of the ballots by the officers is to prevent this recount from being considered by the house as the true count, and is also to prevent a recount by the committee, the question arises, What is a fair and just effect to be given to this non-compliance? Shall it be to give validity to the original miscount of the ballots which the undersigned believe has been made? Shall the ward officers who made the miscount, being the custodians of the proof of their mistake, be allowed by their own careless preservation of this proof to shield themselves from detection?

This will be the effect if the report of the majority is adopted, for the contestant is before the house producing strong reasons for supposing that he is entitled to the seat he claims, yet deprived of the proof of his

claim by the carelessness or neglect of the officers of Lawrence and Meibuen, who have themselves made the mistake that keeps him from his seat.

The undersigned are therefore of the opinion that if this carelessness or neglect has placed a recount out of the power of the house, then, in justice to the electors of the district, the contested seat should be declared vacant and a new election ordered.

While the undersigned admit that there is no evidence that the ballots sealed up at the election in Lawrence and delivered to the city clerk and recounted by the mayor and aldermen and by them resealed and again delivered to the clerk and now in the possession of your committee, are not the same ballots given in at the last election for representative in this district, yet they are of the opinion that the utter disregard of the laws enacted for the preservation of ballots shown at this election, and the carelessness in the method and manner of conducting the election, merit such treatment as will insure a better observance in the future. The undersigned believe that if such gross neglect and carelessness as is shown to have been the case on this occasion is overlooked, and the ballots are now recounted by the house because no evidence is produced to show that they have been tampered with other than that the opportunity has been furnished, it is difficult to imagine the case where a recount of ballots can be refused for non-compliance with the laws for their preservation.

The undersigned, therefore, believing that these laws were enacted to be observed, and that some measures should be taken to secure their observance, do not recommend that these ballots should be recounted, but they do recommend that, in order that the will of the voters in this district may be clearly ascertained, the seat now held by Patrick Murphy be declared vacant and a new election ordered.

ANDREW J. BAILEY.

THOS. M. CARTER.

WILLIAM H. ALDRICH.

W. W.—17.

[House.—No. 30.]

COMMONWEALTH OF MASSACHUSETTS:

HOUSE OF REPRESENTATIVES, *January 27, 1876.*

The committee on elections, to whom was referred the petition of John C. Stimpson, for the seat as representative from the 18th Essex district, now occupied by Amos F. Breed, of Lynn, having met the parties and heard their evidence and the arguments of counsel, submit the following

REPORT:

The petitioner claimed to have been duly chosen representative from said district, and prayed for a recount of the votes cast therein, alleging that several varying declarations of the vote were made in ward three in the city of Lynn, (which ward, with the town of Swampscott, constitutes said district,) and that the final declaration did not correctly represent the true vote of the ward. The other allegations of the petition were waived.

The evidence tended to show that the declaration of the vote for rep-

representative, made by the warden of said ward immediately after closing the polls, was erroneous. The ward officers recounted the ballots immediately after said declaration, and found seven more votes for the sitting member and one less for the petitioner than had been declared. Thereupon another recount was had of the votes for these two candidates, (no discrepancy between the first and second counts having been discovered as to the others,) the result of which confirmed the second count, and this was the result finally declared. The sitting member appeared to have two hundred forty-three votes and the petitioner one hundred sixteen. It was admitted that the comparison of the vote of the two precincts showed a plurality of eleven in the district for the sitting member.

The evidence tended to show, also, that at the municipal election in Lynn, held in December following the State election, at which time the same persons were in office in ward three, several errors in the ward officers' count were discovered upon a recount by the board of aldermen. This evidence was of doubtful admissibility, but the committee saw fit to receive it.

The committee were of opinion that upon the foregoing evidence the petitioner was not entitled to a recount. It is well settled that the fact of a close vote, or that slight mistakes are made in counting, apparently insufficient to affect the result, will not justify a recount. (*Greene's case*, House Doc. 35, 1875; *Slate's case*, id. 59; *Taylor's case*, id. 65.)

It appeared incidentally, however, that the clerks of the two precincts composing the district did not meet to make up their return and certificates, as required by law. The act of 1874, chap. 376, sects. 27, 28, 30, is as follows:

"SECT. 27. The clerks of cities, towns, and wards, composing such districts, shall meet at noon on the day following an election for representatives, at the place so designated, and shall examine and compare such transcripts and ascertain what persons have been elected. If any error appears in a transcript or return, the clerks shall forthwith give notice thereof to the officers required to make the return, and such officers shall forthwith, in conformity with the truth and under oath, make a new return, which, whether made with or without such notice, shall be received and examined by said clerks within two days after the time appointed for the meeting; and for that purpose the meeting may be adjourned not exceeding two days. No return shall be rejected when the number of votes given for each candidate can be ascertained.

"SECT. 28. Such clerks shall at such meeting make out under their hands a complete return of the names of all persons for whom votes were given in the district, and the number of votes for each person, and a record of the return shall be made in the book of records of their respective cities, towns, and wards, within four days after the day of the meeting.

"SECT. 30. When the clerks of cities, towns, and wards, composing a district, at their meeting for the purpose, ascertain that a representative is elected in their district, they or a majority of them shall make out duplicate certificates thereof, one of which they shall deliver into the office of the secretary of the commonwealth, on or before the first day of January following, and the other by a constable or other authorized officer transmit to the person elected, within ten days after the day of election."

The day of election was Tuesday, November 2, 1875. It appeared that the clerks had no meeting in their official capacity or for the transaction of any business until Thursday evening, at which time they met at the

store of Mr. Holden, town clerk of Swampscott, and the return and certificates were then and there made out. There was nothing to prevent the meeting of the clerks at the time and place required by the statute save that the clerk of ward three in Lynn was not aware of the requirement.

It did not clearly appear that any place of meeting had ever been designated under the act of 1874, (§ 26, or Gen. Sts., chap. 8, § 11,) but the evidence showed that for several years the clerks had met at the town hall in Swampscott, with possibly a single exception.

As this irregularity was not directly stated in the petition, the question arose whether it should be considered. No objection was made thereto, and the evidence being before them, the committee held that they were bound to consider it and give it such effect as the law requires. Legislative bodies, in the performance of such judicial functions as belong to them, are not bound by the rules of pleading or evidence, except as they see fit; and the general opinion is that investigations of this character, in which not only the parties, but the constituency, and indeed the entire commonwealth, have an interest, should be conducted liberally and by such rules as will, on the one hand, afford no protection to irregularity or fraud, by which the will of the people may be defeated, nor, on the other, permit the acts of sworn officers to be set aside without good cause. In *Sharon* (Cushing, Storey & Josselyn's Cont. Elec. Cases, 502) the house held that evidence should not be received of a fact not alleged in the petition, but this decision has not been followed. (Palmer's case, House Doc. 185, 1870; case of Pease et als., House Doc. 65, 1866; Freeman's case, C. S. & J., 545.)

The committee being of opinion that the irregularity of the clerks would not necessarily invalidate the election, the question to be determined was of its effect upon the return and certificates. This question, which is of some importance, was argued by counsel and has been carefully considered.

If the provisions of section 27 are mandatory, it seems that they can be satisfied only by strict compliance, and that a direct violation of them will avoid the acts of officers so offending. (Dwarris on Statutes, 610, 611.; Cush. Parl. Law, 201.) It is unnecessary to consider what the result would be in case the officers were prevented by unavoidable accident or emergency from complying with the law, for the fact here was otherwise.

The phraseology of the section, which is one element in the interpretation of statutes, certainly indicates that the legislature intended to require strict compliance, and not merely to indicate a course which might be pursued or not, at the pleasure of the officers. The clerks "shall" meet at noon of the day following the election, and "shall" examine and compare, &c. If any error appears, they "shall forthwith" give notice to the returning officers, who "shall forthwith" make a new return, which "shall be received and examined by said clerks within two days after the time appointed for the meeting; and for that purpose the meeting may be adjourned not exceeding two days." Then, apparently, the authority to make a return and certificate expires. The purpose evidently is to require the result of the election to be speedily ascertained and published, so that all persons concerned may know the result. There are obvious reasons for this requirement. To delay the ascertainment and declaration of the result of an election always offers an opportunity to fraud; and the statute affords abundant internal evidence that the legislature had this in mind, and intended to erect an impassable barrier against it. If the clerks, through their own ignor-

ance or caprice, can postpone their meeting until a day beyond the time limited by law, it is difficult to see why they cannot postpone it for a week or a month, the difference being only in degree. One result of this would be that the person elected could not be officially notified of the fact within ten days, as the law requires, and perhaps not in season to take his seat at the opening of the session; and another, that in case no choice were effected at the election, the district, through failure of the clerks to certify the fact at the proper time, might be deprived partially, if not wholly, of its right of representation in the succeeding legislature. (See St. 1874, chap. 376, sects. 30, 32, 33.) A careful examination of the whole statute will disclose that while certain provisions are manifestly directory, the language of all the sections relating to the ascertainment, declaration, record, and return of the result of elections is such as to indicate the intent of the legislature that all these provisions should be strictly complied with.

In Haskell's case, House Doc. 78, 1875, the committee held that the provisions of the same statute relating to the preservation of ballots and check lists are peremptory. These sections (§§ 40-44) are similar in phraseology to that now under consideration, and every reason for construing them as peremptory seems also to apply here. It was also held that the time for "forwarding returns or declaring the results of an election" expires with the meeting of the clerks at noon of the day following the election, or with the adjourned meeting, held within two days, if such adjournment is had. The report was recommitted at the suggestion of the committee for the purpose of a recount, but the house seems to have assented to the doctrine. Davis's case, House Doc. 69, 1872, is to the same effect, and tends to show that in the opinion of the house at that time the statute of 1863, chap. 144, sec. 2, of which section 41 of the present statute is a re-enactment, should be considered mandatory, and that acts done in violation of it are void. The same construction has frequently been put upon other statutes *in pari materia*. Easthampton, C. S. & J., 471; Dana, id., 551; Burlington, id., 460; Charlestown, id., 518. In these cases it is held that statutes similar to the act of 1874 in scope and phraseology must be strictly construed, and that failure to comply with their provisions will avoid the acts of the returning-officers, and in some cases invalidate the election.

The sitting member cited Lauesborough and New Ashford, C. S. & J., 191; Holliston, id., 297; Belchertown, id., 421; Freeman's case, id., 547; Townsend's case, id., 642; Plympton, id., 643; and Com. v. Ayer, *et als.*, id., 674. Without entering into a critical examination of these cases, it is sufficient to say that no one of them is directly in point, and that they tend principally to the conclusion that an irregularity like that in question does not invalidate an election, if the true result can by any means be ascertained, but that its effect, if any, is to invalidate the return.

The committee were of opinion that the house ought not to sanction a direct and palpable violation of the provisions of this statute, nor establish a precedent that may hereafter afford a cover to fraud. It is apparent that sound policy and a due regard to the safety and purity of elections alike demand that the requirements of so important a statute be strictly and literally obeyed. The committee have not been influenced, however, by any consideration of what may occur hereafter, but have endeavored to base their judgment entirely upon sound principles of construction and the weight of authority. And they were unanimously of opinion that the return and certificate made under the circumstances above stated, in direct disregard of the provisions of a peremptory statute, are invalid and must be set aside.

As the rule is well established, that an election shall not be avoided if the true result can be ascertained independently of the defective record or return, the committee, upon coming to the above conclusion, proceeded to recount the ballots cast for representative in said district, which were proved to have been properly sealed and preserved, and which were produced before the committee by the officers to whom their custody belongs; and the result, which was as follows, showed that the sitting member received in the district a plurality of eleven over the petitioner:

In Swampscott.

Amos F. Breed had	27 votes.
John C. Stimpson had	143 votes.
Samuel C. Pitman had	77 votes.
Abel Curtis had	2 votes.

In ward three, Lynn.

Amos F. Breed had	243 votes.
John C. Stimpson had	116 votes.
Samuel C. Pitman had	177 votes.
Abel Curtis had	4 votes.

Total vote of the district.

Amos F. Breed	270
John C. Stimpson	259
Samuel C. Pitman	254
Abel Curtis	6

The committee therefore recommend that the petitioner have leave to withdraw, and they submit the accompanying resolution.

For the committee:

A. E. PILLSBURY.

COMMONWEALTH OF MASSACHUSETTS.

[In the year one thousand eight hundred and seventy-six.]

Resolution concerning the seat of representative for the eighteenth (Essex) district.

Resolved, That whereas it appears from a recount by the committee on elections of the ballots cast for representative in the general court, at the election held in the eighteenth (Essex) district on the second day of November, eighteen hundred and seventy-five, that Amos F. Breed, of Lynn, received the highest number of votes, it is hereby declared that said Amos F. Breed was duly elected and is entitled to the seat now occupied by him in this house.

H. R., Apr. 21, 1877.

The foregoing report was accepted, and the resolution adopted in the house of representatives, January 31, 1876.

W. S. SOUTHWORTH,
Asst. Clk. Mass. Ho. Reps.

W. W.—18.

COMMONWEALTH OF MASSACHUSETTS,
Secretary's Department:

BOSTON, April 21, 1877.

I certify that S. N. Gifford is clerk of the senate and W. S. Southworth is assistant clerk of the house of representatives of the general court of Massachusetts; that they were duly appointed and qualified, are custodians of the journals of said court, and are the proper officers to certify to matters contained in the said journals.

[SEAL.]

HENRY B. PEIRCE,
Secretary.

W. W.—19.

Proceedings of the board of aldermen.

CITY OF BOSTON,
 November 13, 1876.

Regular meeting at four o'clock p. m., Alderman Clark, chairman, presiding.

THE ELECTION RETURNS.

Alderman Stebbins submitted reports from the committee appointed to examine the returns of votes cast on the 7th instant in this city for national, State, and county officers, as follows:

Report in part, that the returns from the several wards appear to be properly made, and the results for presidential electors, governor, lieutenant-governor, secretary, auditor, treasurer, and receiver-general, attorney-general, councilors, members of Congress from the fifth and eighth districts, and clerks of courts are correctly entered in the book kept for that purpose, and your committee recommend that said results be certified to the secretary of the commonwealth as prescribed by law.

S. B. STEBBINS,
 HUGH O'BRIEN,
 CLINTON VILES,
Committee.

Accepted.

Report representing that applications have been filed in the usual form for the recount of the ballots in the second and fourth senatorial districts of Suffolk County; in the first, thirteenth, fourteenth, and nineteenth representative districts, and in the first, second, sixth, and twelfth wards of the fourth congressional district. They therefore ask for further time in which to report on the result for senators and representatives and for member of Congress for the fourth congressional district. (Signed by the above committee.)

Alderman STEBBINS. It is proper to remark that the committee have made an examination of the votes in the fourth and seventh senatorial districts. The recount in the fourth district changes the result from that reported, giving to Mr. George P. Denny a plurality of forty-four votes. In the seventh district the recount increases the plurality of Mr. Sleeper about twenty-two votes. In the first Suffolk representative district the recount increases Mr. Tompkins's plurality eight votes, and in the nineteenth district Mr. Rogers's plurality is increased thirty-four votes.

The report was accepted.

Report that they received applications in the usual form from ten or more legal voters from each ward comprising the third congressional district, asking for a recount of the original ballots cast for a member of Congress in that district. They accordingly attended to that duty and report the results as set forth in the table hereto annexed, from which it will appear that there were for—

Benjamin Dean	9,315	ballots.
Walbridge A. Field	9,295	"
Walbridge A. Field, "for member of Congress for the fourth district"	25	"
Wm. A. Field	1	"
— Field	3	"

The twenty-five ballots were cast in the eighteenth ward, and the number of the district was printed on the ballots. The committee judge that an error was made in printing the ballots, and they believe it was the intention of the voters who deposited these ballots to vote for Walbridge A. Field, who was a resident of the third district, and who was the regularly nominated candidate of one of the great parties for Congress. It is proper to state that all the ballots were examined and counted by each member of the committee separately, who all arrived at the same result. Acting under the advice of the city solicitor, who had grave doubts as to the right of the committee to credit such ballots to Mr. Field, the committee, without recommending any course to be pursued, submit the facts and the whole subject to the judgment and decision of the board. (Signed by the above committee.)

Appended is the schedule (referred to in the report) of votes in the third congressional district:

Ward returns.

	Ward.										Total.
	13.	14.	15.	16.	17.	18.	19.	20.	21.	24.	
Benjamin Dean	1,495	1,075	855	896	802	579	1,126	1,038	547	895	9,308
Walbridge A. Field	219	939	753	621	1,131	1,410	614	897	1,331	1,361	9,276
Walbridge A. Field, (fourth dis- trict)						25					25
A. Field							1				1
Field							1				1
Samuel D. Smith									1		1

Official count.

	Ward.										Total.
	13.	14.	15.	16.	17.	18.	19.	20.	21.	24.	
Benjamin Dean	1,497	1,100	855	889	803	573	1,125	1,035	545	893	9,315
Walbridge A. Field	225	950	751	625	1,131	1,413	614	891	1,333	1,362	9,295
Walbridge A. Field, (fourth dis- trict)						25					25
Wm. A. Field				1							1
Field							3				3
Leopold Morse				1							1
Rufus S. Frost				2		1					3
Francis M. Weld								1			1

Alderman STEBBINS. It is the understanding of the committee that this report and any subsequent proceedings on the subject shall be assigned to a special meeting of the board to be held on Wednesday afternoon at four o'clock, when the respective parties in interest may have an opportunity to appear and be heard; and in order that it may be brought before the board at that time I offer the following:

Resolved, That in the opinion of this board the twenty-five ballots cast in the eighteenth ward of this city, on the seventh instant, for "Walbridge A. Field, of Boston, for member of Congress from the fourth district," were intended for Walbridge A. Field, of Boston, who was nominated and voted for as a member of Congress for the third district; it is, therefore,

Ordered, That, in the certificate to be sent to the secretary of the commonwealth, the number of ballots for Mr. Field be returned as follows:

"Walbridge A. Field, of Boston, had ninety-three hundred and twenty—twenty-five of which were headed ward 18, and read as follows: 'For Representative to Congress, fourth district, Walbridge A. Field, of Boston.'"

Alderman STEBBINS. I move that the report and the resolve and order be specially assigned to Wednesday afternoon next at four o'clock, and that when the board adjourn it be to meet at that time, so that the parties in interest can have an opportunity to be heard by counsel if they so desire.

The motion prevailed, and further consideration of the subject was specially assigned for Wednesday next at four o'clock p. m.

Alderman O'Brien offered the following:

Ordered, That the city solicitor be requested to give his opinion to this board on the following question:

Is the board of aldermen authorized to so amend the return of the ward officers of the eighteenth ward as to credit Walbridge A. Field, of Boston, a candidate for member of Congress from the *third* district of this State, with *twenty-five* ballots cast in said ward for "Walbridge A. Field, of Boston, for member of Congress from the *fourth* district?" or, is it the province and duty of the board to certify simply to the secretary of the commonwealth the result of the election as found by the returns of the ward officers or by the inspection of the ballots, as the case may be?

On motion of Alderman O'Brien, the order took its second reading, and was put upon its passage.

Alderman STEBBINS. It was the understanding of the committee that there should be no objection to this order, and certainly I, for one, hope that the order will be passed. No member of this board has a higher appreciation of the legal views of Mr. Healy than myself. He has always been found to be a wise counselor in law, and I think his opinions should receive due consideration. But, at the same time, I think we should bear in mind that the matter under consideration is not one of statute law or of municipal order. It is rather a question of parliamentary practice or legislative precedent. It is a question to be considered in connection with all the facts attending the election—the intent of the voters; that the ballots cast were intended for Mr. Field, who is known to have been the candidate for Congress from that district—and while I respect Mr. Healy's judgment in matters concerning statute law and municipal regulations, I don't know that his opinion in matters of legislative practice would be superior to that of any other gentleman having a large experience in legislation. I shall be happy to vote for the order, and await Mr. Healy's opinion upon it.

The order was passed.

Near the close of the session Alderman Stebbins said: My attention has been called by one of my associates on the committee on elections to the fact that the resolve and order which I introduced possibly had the semblance of having emanated from the committee. I wish to state that the committee had no knowledge of it whatever, and that I offered it on my own responsibility.

W. W.—20.

BOSTON, *March 1, 1877.*

MY DEAR SIR: In accordance with my oral request, made some time ago, please retain in safe custody the ballots and voting-lists used in the election of member of Congress in the third congressional district on November 7, 1876.

Yours, respectfully,

W. A. FIELD.

S. F. McCLEARY,
City Clerk.

A true copy of notice received by the undersigned March 1, 1877.
Attest:

S. F. McCLEARY,
City Clerk.

W. W.—21.

BENJAMIN DEAN, CONTESTANT,	}
<i>vs.</i>	
WALBRIDGE A. FIELD, RETURNED MEMBER.	}

In the above-entitled case it is agreed, and may be taken as a fact proved, that a majority of the members of the board of aldermen of the city of Boston during the year eighteen hundred and seventy-six (1876) were republicans in politics.

W. G. RUSSELL,
Of Counsel for Walbridge A. Field.
S. A. B. ABBOTT,
Of Counsel for Benjamin Dean.

EVIDENCE FOR CONTESTEE.

Deposition of Samuel F. McCleary.

MARCH 22, 1877.

SAMUEL F. McCLEARY, a witness on behalf of Walbridge A. Field, the incumbent, being first duly sworn, in answer to interrogatories proposed by William G. Russell and J. Lewis Stackpole, esquires, of counsel for incumbent, testified as follows, viz:

Interrogatory 1. State your name and residence and what office you hold.—Answer. Samuel F. McCleary; residence, Boston; I am city clerk of the city of Boston.

Int. 2. How long have you held the office, and did you hold this office on the 7th of last November?—A. I have held the office twenty-five years, and held it the 7th of November last.

Int. 3. Please state whether or not on that day the envelopes containing the ballots for member of Congress for the third congressional district were received by you at your office and from whom, and whether sealed or not, and what was done with them.—A. The said ballots were received by me on that day in sealed envelopes, as required by law, from the several constables appointed for the different wards, at my office. I then placed them in my safe and locked them up.

Int. 4. What were the seals upon the envelopes, and in what condition were they when received by you?—A. The seals were of wax, stamped with the seals of the several wards, and they were unbroken at the time of their reception in my office.

Int. 5. From what wards in this congressional district were they so received by you?—A. Wards Nos. 13, 14, 15, 16, 17, 18, 19, 20, 21, and 24.

Int. 6. Please produce from your safe these envelopes.—A. I produce them, ten boxes in all. (The same are marked by the commissioner "W. W.—A," "W. W.—B," "W. W.—C," "W. W.—D," "W. W.—E," "W. W.—F," "W. W.—G," "W. W.—H," "W. W.—I," and "W. W.—J," for identification.)

Int. 7. Please state what certificates there were, if any, upon each of the boxes when they were received by you, as testified.—A. There were certificates on each of the boxes in the same form as the blank here produced and marked "W. W.—K," and each certificate was signed by the warden, clerk, and a majority of the inspectors for the ward from which it came; differing only in the numbers of wards and districts, as indicated by the blanks in the form here produced. The original certificate is pasted upon each box here produced. (A copy of each certificate made by me is hereto annexed, marked, respectively, "W. W.—K¹," "W. W.—K²," "W. W.—K³," "W. W.—K⁴," "W. W.—K⁵," "W. W.—K⁶," "W. W.—K⁷," "W. W.—K⁸," "W. W.—K⁹," "W. W.—K¹⁰.")

Int. 8. State whether or not the said envelopes, containing the ballots, were retained in your care; and, if so, where and in what condition and to what time.—A. They were; they continued locked up in my safe, under my care, with the seals unbroken, until examined by the committee of the board of aldermen (appointed for that purpose) in accordance with petitions presented for a recount of the votes for member of Congress for the third district. I have furnished a copy of the proceedings of the board of aldermen upon a recount of said votes to be annexed to the depositions in this case, and also of the petitions on which said proceedings were had.

Int. 9. Please state what took place as to the recount, so far as you know.—A. At the request of the committee, I delivered the envelopes containing the votes for Representative to Congress for the third congressional district to them for the purpose of a recount, and they opened the envelopes and counted the votes in an adjacent room, within five days of the election, and returned the boxes to me with a certificate upon each box, sealed with the seal of the city, and signed by the committee, setting forth that the boxes were opened for that purpose. I annex a copy of the certificate referred to. The certificates only varied in this respect, that some were dated November 10 and some November 11, according as the day on which the count was made varied. The certificates for wards 13 to 17 inclusive were dated November 10, and wards 18 to 24 inclusive November 11. (The copy referred to is marked "W. W.—L¹.")

Int. 10. In whose care and where have said envelopes been kept since that time, and in what condition have the seals been?—A. They have been kept in my safe, locked up, with the seals unbroken, from that day, except wards 13 and 14, which envelopes were again opened by the same committee for the purpose of recounting the votes for representative to the state legislature. They were again returned to me by the committee, sealed up with the city seal, and with a certificate on each dated November 14, setting forth the purpose for which they were opened. I annex a copy of said last certificates. (The same are marked "W. W.—M¹," and "W. W.—M².")

Int. 11. State what familiarity you have had as city clerk with matters of recounts, and what has been your experience as to the counts of the ward officers and recounts by the several committees agreeing or otherwise.—A. Recounts have been had of the original ballots by the proper officers every year since the passage of the law in 1867, in this city. In most cases there is a variation, more or less, between the two counts; it would be very seldom that they would concur in any one ward in the count and recount.

Int. 12. State whether or not you reside in the third congressional district; if so, how long you have resided there and what acquaintance you have generally with residents in the district.—A. I do reside in that district; have resided there since 1868; I know the prominent citizens in the district.

Int. 13. Do you know Waldrige A. Field, the candidate for Congress at the election in November last from the third congressional district, and have you ever known any other person by that name either in the third or fourth district?—A. I do know him. I have never known any other person by that name either in the third or fourth district.

Cross-examination by S. A. B. Abbott, esq., of counsel for the contestant:

Cross-int. 1. Will you examine the records of proceedings of the board of aldermen annexed to these depositions, marked "W. W.—R.," and say by whom the resolve in regard to the certificate to be sent to the governor was offered?—A. The resolve in question was offered by Alderman Stebbins in his individual capacity, and not as a member of the committee, he stating: "My attention has been called by one of my associates on the committee on elections to the fact that the resolve and order which I introduced possibly had the semblance of having emanated from the committee. I wish to state that the committee had no knowledge of it whatever, and that I offered it on my own responsibility."

Cross-int. 2. Will you examine the petitions for a recount which are now in your possession and say whether or not they are all in the same handwriting with each other, in your opinion?—A. I produce the original petitions, and after examination say that the body of the petitions are all in the same handwriting.

Cross-int. 3. Will you say what time you entered in the city records "the records of returns of votes given in the several wards, November 7, 1876, for member of Congress," &c., annexed to exhibit marked "W. W.—R.," and annexed to these depositions on behalf of contestant?—A. The returns in this exhibit were entered in the city records, by me, the 13th of November.

Cross-int. 4. Where did you get the figures from which you made up the record last referred to?—A. From the declaration of the board of aldermen; from the committee that made the report; they reported on the 13th of November, and the declaration was made on the 15th. I

had forgotten there were two sessions, one the 13th and one the 15th. I mean their report to the board of aldermen.

Cross-int. 5. Will you please to annex the original, or a copy, of the papers authorizing you to make that record?—A. On examining the papers, I shall have to qualify my last answer. The paper authorizing me to make that record is the declaration of the board of aldermen annexed to exhibit W. W.—R. in this case. I see by referring to that exhibit that I made my record November 15th.

Cross-int. 6. Please state whether or not the members of the board of aldermen ever signed any certificate of the votes cast for member of Congress, third district, other than that sent to the governor, a copy of which is annexed to these depositions on behalf of contestant, marked "W. W.—B?"—A. They did not, to my knowledge.

Cross-int. 7. Had you any other authority for making the record of the votes cast in said district, except the records of the proceedings in the board of aldermen already put into the case?—A. No, sir; I had none, except the law in reference to amended returns.

Cross-int. 8. Have you any records or papers relative to said election for member of Congress for the third congressional district, other than those, copies of which have been put into this case?—A. I have not.

Cross-int. 9. Was there, to your knowledge, any notice of the intended recount of votes in the third district given to the United States supervisors of election?—A. Not to my knowledge, by anybody.

Cross-int. 10. Were you, or not, present at any time during the recount of votes by the committee of the board of aldermen?—A. I was present at a portion of the time. I was in the room while they were counting, but I did not participate in the count.

Cross-int. 11. Who else was in the room with you, other than the three aldermen?—A. Mr. Lee, clerk of committees; Mr. Clapp, assistant clerk of committees. I don't remember anybody else.

Cross-int. 12. State whether or not the committee sat with closed and locked doors.—A. They sat with closed doors. I do not think they were locked.

Cross-int. 13. How long were the ballot-boxes out of your possession, and where were they during that time?—A. The ballot-boxes were returned to me as fast as the committee finished with them. Some were not returned until the next morning. They were in the care of the city messenger during that time, except when the committee had them. The box or boxes that were kept over night were delivered to me by the city messenger next morning, sealed up as they are now. It was 12 or 1 o'clock before they got through with them.

Cross-int. 14. What day of the week were you present at the recount, and at what time of day did you leave the committee?—A. I think I was present on Friday, the 10th. I left between 11 and 12 at night, I think. I may be mistaken in the day, whether it was the 10th or 11th; I don't remember whether it was Friday or Saturday.

Cross-int. 15. What were the committee doing when you left? How far had they progressed?—A. They were counting the ballots for member of Congress. I don't remember how far they had progressed.

Cross-int. 16. When did they begin to count on the day you were present?—A. I don't remember that.

Cross-int. 17. Give your best recollection.—A. This committee requested me and the other gentlemen, the clerk of committees and his assistant, to assist them in counting the vote for senator for the seventh senatorial district, which comprises wards 19, 20, and 21, which must

have been Saturday; so I must have been there Saturday instead of Friday, as they counted the votes for senator when the boxes were opened for the congressional count. I can't tell at what time of day they began.

Cross-int. 18. Cannot you fix better than you have already done the hour of Saturday night when you left?—A. I am pretty confident it was between 11 and 12 o'clock.

Cross-int. 19. Who assisted you in counting the votes for senator of wards 19, 20, and 21?—A. I think either Mr. Lee or Mr. Clapp.

Cross-int. 20. Did you learn when the committee got through the count for member of Congress?—A. I don't know that I did know the time they finished.

Cross-int. 21. Did you not learn in any way when the committee finished the count?—A. If I did I have entirely forgotten it, for I am entirely ignorant of the hour they finished.

Cross-int. 22. Did they finish on Saturday, Sunday, or Monday?—A. I don't think they could have finished on Saturday, and I feel confident they must have finished before Monday. I went away pretty late, and they hadn't finished then.

Cross-int. 23. Did you receive the ballot-boxes from the committee on Sunday or Monday morning?—A. I don't recollect about that.

Cross-int. 24. Were you at the city-hall on Sunday?—A. I think that I did come down on Sunday.

Cross-int. 25. Was the committee present at the committee-room on Sunday after you came down?—A. I have no recollection about it at all. I think not.

Cross-int. 26. State whether any of the ballots, and, if any, what ballots, of those cast in the third district were recounted for other purposes than for ascertaining the number of votes cast for member of Congress and senator for the seventh senatorial district.—A. The ballots for wards 13 and 14 were recounted November 14, to determine elections for representatives in these wards.

Cross-int. 27. Were not the votes for ward 19 recounted for representative to the legislature?—A. Yes, sir; at the same time as for senator, the same day, while the box was open.

Cross-int. 28. Are there any certificates of the fact of the recount of wards 20 and 21 for senator, and of ward 19 for senator and representative to the legislature, attached to the envelopes?—A. There are none because the envelopes were not opened for that purpose.

Cross-int. 29. Who brought you the envelopes containing the votes for ward 18 from the ward-room, and did you personally receive the said envelopes?—A. William G. Tyler, the constable of that ward; it was received in my office while I was here, to the best of my recollection it was.

Cross-int. 30. Was the city solicitor sent for, and did he appear and confer with the committee in the committee-room during the time of counting; if yes, at what time and with reference to what question?—A. The city solicitor was sent for by the committee, and he was present on the evening of the day on which I was present with the committee. I think this occurred before the box for ward 18 was opened, with reference to the construction of the votes in question—the construction of the returns of votes for members of Congress.

Cross-int. 31. Was it with reference to votes that were expected to be found in the box, of ballots from ward 18?—A. I so understood it; with reference to the construction of those ballots in case it should be neces-

sary to depend upon them for the result ; I know that they were anxious to get his opinion before the count of the votes was finished.

Cross-int. 32. Had they then counted the ballots from the wards, up to ward 18?—A. Yes, sir ; they had at that time, when he appeared, and possibly including ward 18, but my opinion is they hadn't opened ward 18 ; I think they decided to send for him before opening that. I know that they had counted several of the wards before he was sent for.

Cross-int. 33. Was there a difference of opinion between the members of the committee as to how the twenty-five ballots headed "For Representative to Congress, fourth district," should be counted?—A. How can I testify as to that, whether there was a difference of opinion ? You must get that from the gentlemen themselves.

Cross-int. 34. Did not Alderman Stebbins claim that those ballots should be counted for Mr. Field?—A. They talked with Mr. Healy, the city solicitor, and I heard some things that were said, but I was there for another purpose. I think it is correct that Mr. Stebbins claimed that those votes should be counted for Mr. Field.

Cross-int. 35. Did he not have authorities and books to sustain his claim, and did he not endeavor to convince City Solicitor Healy that said ballots ought to be counted for Mr. Field?—A. I recollect that he read a decision from a book, McCrary on Elections, I think it was ; I remember his showing it to him in the room.

Cross-int. 36. Did you not hear Mr. Healy tell him in reply that there was no authority which justified contradicting a ballot?—A. I did not hear such a statement.

Cross-int. 37. Did you hear him say anything about contradicting ballots or not contradicting ballots?—A. I don't remember it now, if I heard any such thing. All these things may have been said, but I didn't hear them ; I didn't pay attention to all the conversation.

Cross-int. 38. How were you engaged when Mr. Healy was present?—A. I was counting ballots for senator or representative to the legislature.

Cross-int. 39. Were other votes than those cast in the third district being counted at the same time with those from that district?—A. I think not.

Cross-int. 40. When were the votes for Mr. Denny's senatorial district counted?—A. I should have to look at one of my boxes not here to determine. I have ascertained that they were recounted on the 11th of November.

Cross-int. 41. Was it not during the counting of the ballots for Representative to Congress from the third district?—A. It must have been, because the committee had not finished their count.

Cross-int. 42. And in the same room?—A. Yes, sir ; in the same room.

Cross-int. 43. Were not the ballots for some of the wards of the fourth congressional district for Representative to Congress counted at the same time, and by whom?—A. Yes, the ballots for Representative to Congress for the fourth district for wards 1, 2, 6, and 12 were recounted during the period occupied by the committee in counting the ballots for the third district ; the ballots were counted by other parties than the committee, but under their direction.

Cross-int. 44. Look at your records and state whether Alderman Whidden did not, at a meeting of the board of aldermen held on the 3d day of April, 1876, submit a report of the joint standing committee in the assessor's department, nominating candidates for election as second assistant assessors ; and was not by said report F. S. Risteen nominated for ward 17 ; did he not at said meeting receive twelve votes, the whole

number of the board of aldermen; did he not fail of an election in the common council, and did not his election come again before the board on the 10th day of said April, and did he not receive six ballots for ward 17 and one for ward 2, seven ballots being a majority of the board, and enough, if they were counted for him, to elect him; and did not the board immediately by vote proceed to another ballot, and did not Dudley R. Child receive eight votes, and did not said Risteen receive four votes, and was not said Child declared elected?—A. Yes; that is all correct.

Cross-int. 45. Was Alderman Stebbins present at the meeting on the 10th of April; and did he object to the declaration of the election of said Child?—A. Alderman Stebbins was present at the meeting referred to and offered no objection.

Cross-int. 46. Who was mayor of the city during the year 1876, and when did his term of office expire?—A. Samuel C. Cobb; his term expired the first Monday of January, 1877.

Cross-int. 47. To what political party did he belong?—A. He was elected as a democrat and voted for Tilden.

Direct examination resumed:

Redirect int. 14. To what political parties did Messrs. Stebbins, Viles, and O'Brien, members of the committee, belong?—A. Alderman Stebbins republican, and Viles and O'Brien democrat.

Cross-examination resumed:

Cross-int. 48. To what political parties do you and Messrs. Lee and Clapp belong, and Mr. Priest?—A. I don't belong to any party, and I don't know what the others belong to.

S. F. McCLEARY.

MARCH 24, 1877.

Samuel F. McCleary recalled, testified as follows:

I desire to say that, in making my answer to the eleventh cross-interrogatory, I testified as it was then in my mind. I have recalled since that Mr. Priest, the assistant city clerk, was also present with Mr. Lee and Mr. Clapp.

My answer to the forty-third cross-interrogatory is also incorrect; the ballots for the fourth district therein stated were counted after those for the third district, on the 14th of November.

Direct examination resumed by J. L. Stackpole, esq., on behalf of the incumbent:

Redirect 15. Which count of ballots was made first, the count for member of Congress from the third district, or the count for State officers, referred to in your cross-examination as being made about the same time?—A. The count for member of Congress was made first by the committee, and at the conclusion of their count the count was made to verify the election for State officers; it was the same in each ward.

Cross-examination resumed by S. A. B. Abbott, esq., counsel for the contestant:

Recross-int. 49. Will you please to produce certified copies of all the certificates made by the committee of the board of aldermen, which appear upon the envelopes containing the ballots which were recounted in the fourth congressional district, and annex to this deposition?—A. I will do so.

(Witness subsequently appeared and stated that upon examination he found that there was no certificate affixed upon said envelopes.)

Recross-int. 50. Since your examination on Thursday have you conferred with anybody regarding any of the matters embraced in your to-day's corrected testimony?—A. I have. I conferred with Mr. Priest in regard to these facts I have testified to to-day; only with him.

S. F. McCLEARY.

Deposition of Solomon B. Stebbins.

MARCH 24, 1877.

SOLOMON B. STEBBINS, a witness for Walbridge A. Field, the incumbent, being first duly sworn, in answer to interrogatories proposed by J. Lewis Stackpole, esq., of counsel for the incumbent, testified as follows, viz:

Interrogatory 1. State your name, residence, and occupation, and what, if any, office you held during the year 1876?—Answer. Solomon B. Stebbins; residence, Boston, Mass.; merchant; I was a member of the board of aldermen in this city in 1876.

Int. 2. Whether or not you were duly appointed a member of the committee of the board of aldermen to examine the returns of the election held November 7, 1876, when the appointment was made, and who else was appointed upon the committee?—A. I was duly appointed a member of that committee. I can't say without consulting the records when it was; it was previous to the election. Alderman O'Brien and Alderman Viles were also appointed on the committee.

Int. 3. Whether or not statements from voters in the wards comprised in the third congressional district, similar to that marked "W. W. Q.," and now shown you, were transmitted to that committee by the city clerk?—A. They were; November 10, as far as I can remember. I should say that the city clerk notified me directly after the election that such statements were being filed and the committee should hold themselves in readiness to act; but the petitions were not formally delivered to the committee until the 10th.

Int. 4. State what then took place; from whom the committee received the envelopes containing the ballots; in what condition these envelopes were when received by the committee; and what was then done by the committee in respect to a recount?—A. The first meeting of the committee was on Friday afternoon, November 10, in one of the committee-rooms in the city hall. The committee received the envelopes containing the ballots from the city clerk; they were in proper form and order and sealed with the several ward seals, and the seals were unbroken. The committee were all present and commenced their labor with ward 13 first. The envelope was opened by the chairman of the committee, myself, in presence of the other members of the committee. The ballots were carefully taken from the envelopes and carefully placed upon the table, and were then first counted by the chairman of the committee for candidates for member of Congress from the third congressional district. Each member of the committee made a separate count and each member arrived at precisely the same result, and each member made a record of the result; the ballots were then resealed in the envelope. There was an application for a recount for member of the legislature for that ward, I think, and, before sealing them, I think we made a recount of that vote also; I cannot state as to that without re-

ferring to my records. Then the ballots so resealed were returned to the city clerk. A certificate of the examination made by the committee, signed by each member of the committee, was attached to the envelope. The same answer might apply to the proceedings as to the several wards; they were the same in the several wards. I would like to add, no member of the committee left the table during the entire process; we all remained until the entire process was completed, the counting in all the wards. That should read that no member was absent during the counting of any one ward; of course, members left during the evening. The idea I wish to convey is, that after an envelope was opened no member left until all were counted in that envelope and the box resealed.

Int. 5. Please examine the envelopes, and the certificates upon the envelopes, at the city clerk's office, now shown you and marked by the magistrate from "W. W. A." to "W. W. J.," inclusive, and say whether you identify them as those referred to in your last answer.—A. I have examined them. I identify them as those referred to in my last answer.

Int. 6. State whether you have examined the seals, and whether the impression is the same as that made by the committee.—A. I examined the seals; the impression is the same as that made by the committee.

Int. 7. Of how many and what wards were the ballots counted Friday, November 10; and when was the count resumed, and of how many and what wards, and how was it conducted when resumed, and when finished?—A. Five wards, wards 13, 14, 15, 16, and 17, were counted on Friday, November 10. The count was resumed on Saturday, November 11, and completed of wards 18, 19, 20, 21, and 24. It was conducted the same as described of ward 13, in the former answer.

Int. 8. State whether, upon examination, you find whether any, and, if so, what counts for officers other than Representative to Congress from the third district were made, while any of the envelopes containing ballots from wards in that district remained open and unsealed; and, if so, in what wards.—A. The certificates upon the envelopes do not show that the counts were made at the same time; they were made at a subsequent time; that is, in wards 13 and 14.

Int. 9. How were the envelopes returned to the city clerk; whether all at once, or otherwise?—A. They were returned as the count was completed for the several wards.

Int. 10. Look at the report of the committee and paper marked "Record of returns of votes given in several wards, November 7, 1876, for members of the Forty-fifth Congress," being a part of paper marked "W. W. R." in this case, and say whether this is a correct copy of the return annexed to the report of your committee, and whether the facts stated in that report and the figures on the returns are correct and true, and whether the true number of votes cast in the several wards, as found in said envelopes and ascertained upon the recount made by the said committee, were in fact as shown by such report and paper.—A. It is a correct copy of the return so annexed; the facts stated therein and the figures are correct and true; the true number of votes so found and ascertained were, in fact, as shown by such report and paper.

Int. 11. Please look at Exhibit D, annexed to the answer of Walbridge A. Field in this case, and say whether you found among the ballots, in any envelopes, and, if so, what envelope, ballots of a like tenor and appearance, and, if so, how many.—A. The envelope received from ward 18 contained twenty-five ballots, similar to the one marked "Exhibit D," shown me. I wish to make further answer: it contained twenty-five ballots for Representative to Congress, fourth district, Wal-

bridge A. Field, Boston. I wish to add, further: there were other similar ballots, with the word "fourth" stricken out and the word "third" written in.

Int. 12. Are these twenty-five ballots referred to in your last answer the ballots referred to in the report of the committee and in paper W. W. R, as follows: "Walbridge A. Field, for member of Congress for the fourth district, 25 ballots?"—A. They are.

Int. 13. Will you please to state to what political parties severally you yourself, also Alderman Viles and Alderman O'Brien, belong?—A. I am a republican; O'Brien is a democrat; should say that Viles was a democrat with republican tendencies.

Int. 14. How long have you resided in Boston, and how long had you held the office of alderman? Do you know Walbridge A. Field, and was he republican candidate for Congress from the third congressional district at the election of November 7, 1876, and did he reside in said third district, and is there any other person of that name known to you in the city of Boston, or in the third or fourth congressional districts?—A. Twenty-five years; had held the office of alderman four years; I know Walbridge A. Field; he was republican candidate then; he resided in the third district; there is no other person of that name known to me in said city or districts.

Cross-examination by S. A. B. Abbott, esq., of counsel for the contestant:

Cross-int. 1. Was any allegation of fraud or mistake on the part of the ward officers in any of the wards in the district No. 3 ever made to you or in your hearing?—A. None whatever.

Cross-int. 2. Was it not admitted by all parties that the election in said district was perfectly fair and free from fraud?—A. So far as I know.

Cross-int. 3. When did you count the ballots in the envelope for ward 1 in the fourth district?—A. I haven't my minutes with me and cannot tell—have only minutes here for third congressional district.

Cross-int. 4. Did you count them before or after you counted for the third district?—A. After.

Cross-int. 5. How long after?—A. The following week—during the following week.

Cross-int. 6. In the early or latter part of the week, and on what day?—A. Commencing with Tuesday, November 14, and continuing until the count was completed.

Cross-int. 7. When did you count the ballots from the fourth senatorial district, comprising wards 9, 10, 11, 12, in the fourth congressional district?—A. It is a matter of memory; on Saturday, November 11, I think.

Cross-int. 8. At what time of day did your committee begin to count votes on Saturday, the 11th of November, and when did you leave off counting on that day?—A. The committee commenced their labor at two o'clock on Saturday, November 11, and continued in session until one and a half Sunday morning.

Cross-int. 9. How long was Mr. McCleary present with the committee, and what hour did he leave them on Saturday?—A. Mr. McCleary was with the committee but a small part of the time, only as he was sent for to take charge of, to deliver to, or take from, the committee the sealed envelopes; he left for home on the completion of the count for ballots cast for member of Congress from the third congressional district, shortly after midnight.

Cross-int. 10. In whose handwriting are the certificates annexed to

the envelopes in district three and signed by your committee?—A. Mr. McCleary's, the city clerk.

Cross-int. 11. When were they affixed to the envelopes?—A. I think they were attached to the envelopes during Friday and Saturday evenings, while the recount was in progress, and signed by the committee after the envelopes had been sealed—I should say after the ballots had been returned to the envelopes and sealed.

Cross-int. 12. Did you count any votes on Sunday?—A. The committee counted the ballots cast for senator in the fourth Suffolk district, ward 12, between twelve o'clock and one and a half, Sunday morning, November 12.

Cross-int. 13. Are these all the votes your committee counted on Sunday?—A. I think so; I won't be positive.

Cross-int. 14. Did you count any on Monday?—A. I think not.

Cross-int. 15. Can't you state any more positively?—A. I cannot without referring to records at city hall.

Cross-int. 16. What records?—A. First, Monday was the regular day for the meeting of the board of aldermen, at four o'clock, and it would be necessary to look at the records to see what time they adjourned; the record there will show the hour of adjournment. If the committee were in session that evening, and in session late, there will be a record of carriage ordered for Alderman O'Brien, who resides in a distant part of the city.

Cross-int. 17. Did you count any Monday before the aldermen met in session?—A. I think not.

Cross-int. 18. Don't you know?—A. I am quite positive the committee did not—were not in session before the meeting of the board except to prepare and sign the report submitted that day.

Cross-int. 19. When did you count the votes for ward 1 in the fourth district?—A. I cannot state the date.

Cross-int. 20. Did you count them on Monday?—A. I think not.

Cross-int. 21. You counted them some time before the session of the board of aldermen on Monday, did you not?—A. I think not.

Cross-int. 22. Can't you answer more positively?—A. I cannot.

Cross-int. 23. State whether or not you have stated that you counted those ballots for ward 1 for any officers before the session of the aldermen on Monday?—A. I think not.

Cross-int. 24. Did you not state at the session of the aldermen on Monday that you had counted the ballots in ward one?—A. I did; for a member of the legislature.

Cross-int. 25. Who other than the committee were present during the counting of the ballots for the third district?—A. On Friday, the first day, no one was present but the committee, with the exception of the city clerk, and occasionally one of the messenger-boys in the hall whenever sent for. On Saturday, November 11, at the suggestion, I think, of Alderman O'Brien, the assistant city clerk, Mr. Priest, the clerk of committees, Mr. Lee, and the assistant clerk of committees, Mr. Clapp, were requested to aid the committee in the recount. Their labor was performed at a separate table, and at considerable distance from that used by the committee. The recount made by the assistants, Messrs. Priest, Lee, and Clapp, was on the first and nineteenth representative districts, and the fourth Suffolk senatorial district. The envelopes were all opened by the chairman of the committee, and the ballots were resealed also by the chairman of the committee, in presence of the members. These gentlemen completed their labors at twelve o'clock, at about the same time the committee completed theirs. They reported the

result unchanged in the first and nineteenth representative districts, but that in the 12th ward of the fourth senatorial district a serious error had been discovered, by which the reported result was changed, electing Mr. Geo. P. Denny senator over Mr. Brooks, who had been reported as elected. I then stated to my associates on the committee that it was important that we should verify the count in that senatorial district, and asked them if they were willing to remain for that purpose. They assented, and the committee proceeded to count the ballots from ward 12, where the error was reported, and the committee found the result as stated by their assistants, Messrs. Priest, Clapp, and Lee.

Upon my leaving the committee-room, Alderman O'Brien, who had preceded me, met me in the corridor of the hall and stated that a gentleman who represented Mr. Dean was in waiting to ascertain the result of the recount. He asked me if I had any objections to the facts being stated. I replied that I hardly thought it proper that one side should know the result before the other, and said that if he, Alderman O'Brien, would personally acquaint Mr. Dean on Sunday morning with the result of the recount, that I would inform Mr. Field of the result. He replied that it would be inconvenient for him to come into town in the morning, but that the gentleman in waiting, the Hon. Mr. Toland, could be safely intrusted with the information. Mr. Viles, the other member of the committee, assenting, the information was then given to Mr. Toland with the understanding I should notify Mr. Field that morning; it being then two o'clock Sunday morning. I accordingly notified Mr. Field and also sent similar information to Mr. Dean that the report would be submitted to the board on Monday, and suggested that the consideration of the report would be taken up by the board later in the week, so as to allow both parties to be heard in person or by counsel, if they so desired.

Cross-int. 26. Did your committee ever give the United States supervisors of election notice of time or place appointed for the recount of ballots for district three, or give them any opportunity to be present?—A. No, sir.

Cross-int. 27. Have you ever compared the report of your committee with the record of returns of votes annexed to exhibit marked "W. W. R."?—A. I have not.

Cross-int. 28. Was there or not any difference of opinion in the committee as to whether the 25 votes in ward 18, for Walbridge A. Field for member of Congress, fourth district, should be counted for the returned member?—A. The opinions of the several members of the committee were expressed in the reports they made.

(Question repeated.) I shall answer that by reading from the report of the committee: "The committee judge that an error was made in printing the ballots, and they believe it was the intention of the voters who deposited these ballots to vote for Walbridge A. Field, who was a resident of the third district, and who was the regularly-nominated candidate of one of the great parties for Congress. Acting under the advice of the city solicitor, who had grave doubts as to the right of the committee to credit such ballots to Mr. Field, the committee, without recommending any course to be pursued, submit the facts and the whole subject to the judgment and decision of the board.

"S. B. Stebbins, Hugh O'Brien, Clinton Viles, committee."

Cross-int. 29. Will you please to answer the last question, cross-interrogatory No. 28?—A. There was no difference of opinion in the committee as to making the report in the form they did.

• Cross-int. 30. Is that all the answer you will make to the question?—A. To answer it in full I should have to give all that took place about Mr.

Healy, and his being sent for. About 8 o'clock Saturday evening, November 11, while the committee were in session, I suggested that it was important for the committee to consider and determine before concluding the count or knowing how it might affect the result of the matter of the twenty-five ballots cast in ward eighteen for Mr. Field as a candidate for the fourth district. Upon the suggestion of Alderman O'Brien it was thought advisable to confer with the city solicitor. Mr. Healy, the solicitor, was sent for, and later in the evening was present with the committee, and, acting under his advice, the committee made the report already referred to.

Cross-int. 31. Did you not claim that the 25 ballots should be counted for Mr. Field, and did not Alderman O'Brien claim they should not be, and was not the city solicitor sent for to settle that question?—A. The committee were unanimous in their opinion that it was the intention of the voters depositing the twenty-five ballots in question to cast the same for Walbridge A. Field, who was the candidate for Congress for that district. The committee were divided upon the question of how the report should be made, the chairman believing that the twenty-five votes referred to should be included with the ballots cast for Mr. Field; the other two members of the committee were of the opinion that the report to the board should state the fact as to the manner in which they were printed and leave the question for the full board to determine, and the report was so made.

Cross-int. 32. Will you now answer the simple question whether there was not such a dispute between the members of the committee, and whether Mr. Healy, the city solicitor, was not sent for to settle that question?—A. He was not; there was no dispute.

Cross-int. 33. Did you have present "McCrory on Elections," and claim it as an authority in favor of counting said ballots for Mr. Field?—A. At what time?

Cross-int. 34. At any time.—A. The committee had a copy of "McCrory on Contested Elections."

Cross-int. 35. When?—A. During all of their session.

Cross-int. 36. For what purpose?—A. For information.

Cross-int. 37. For what purpose?—A. For no other purpose than general information so far as I know.

Cross-int. 38. Was it not used to settle questions regarding the questions arising on the counts?—A. It was not.

Cross-int. 39. Was anything in it referred to with reference to the questions as to the counting of said 25 votes?—A. I called Mr. Healy's attention to one case reported by Mr. McCrary, which I thought similar to the one under consideration, and asked his opinion of it. He read the case and at once decided that the same principles were not involved.

Cross-int. 40. Who called your attention to that case?—A. No one.

Cross-int. 41. How came your attention called to it?—A. By reading the book.

Cross-int. 42. Did you consult with any one regarding the resolution and order introduced into the board of aldermen by you?—A. What resolution do you refer to?

Cross-int. 43. The resolution and order regarding the certificate to be sent to the secretary of state.—A. I did.

Cross-int. 44. With whom?—A. With Mr. McCleary, the city clerk.

Cross-int. 45. With whom besides?—A. With Alderman Burrage, and I think with other members of the board who agreed with me in the spirit of the resolve and order.

Cross-int. 46. With nobody else?—A. I am not positive. I wish to

state that I did not consult with Mr. McCleary as to the propriety of presenting the order, but simply as to the proper form in which it should be drawn.

Cross-int. 47. Was not the order shown to counsel for the returned member?—A. It is possible it may have been.

Cross-int. 48. Is it not probable that it was?—A. I wouldn't swear.

Cross-int. 49. Why won't you swear?—A. I think I understand the nature of an oath; that when I take one it is simply to swear to what I am positive of.

Cross-int. 50. Don't you believe it was shown to counsel for the returned member?—A. This question is in a different form from what it was put before. I think that counsel were informed that the city clerk was preparing such an order, and if they wished to see it they could confer with him.

Cross-int. 51. By whom were counsel so informed?—A. By myself.

Cross-int. 52. In writing, or how otherwise?—A. Verbally, if at all.

Cross-int. 53. What counsel?—A. Mr. Stackpole, if either.

Cross-int. 54. Did you have nothing to say with Mr. Russell on the subject?—A. I think not; I am not positive, but I am confident not.

Cross-int. 55. Have you stated all you had to do with counsel with reference to the drawing of said resolution and order or the introduction thereof?—A. Counsel had nothing to do with the drawing of the order or resolution or the offering of the same.

Cross-int. 56. How do you know?—Because I know my own thoughts. It was an idea of my own, and I proceeded to carry it out.

Cross-int. 57. Why were counsel told they might go and see it?—A. Because of their interest in the question.

Cross-int. 58. Why for that reason?—A. That counsel might be prepared for the possible action of the board; for the action of the board in case the resolution was adopted.

Cross-int. 59. Why did you wait so long before answering the last question?—A. To give a proper answer to the question.

Cross-int. 60. Were not counsel invited to go and look at the resolution and order to see whether they would accomplish the desired end?—A. Not to my knowledge.

Cross-int. 61. Why do you put that limit to the answer?—A. Because that is a correct answer.

Cross-int. 62. Did you, before the introduction of said resolution and order, have no consultation or conversation with either of Mr. Field's counsel, or with Mr. M. F. Dickinson, or Henry D. Hyde regarding the counting of said twenty-five votes for Mr. Field, or the making of the committee's report, or of the introduction of the resolution and order above referred to?—A. As I have already stated, I may have spoken with Mr. Stackpole, of his counsel. I am confident I had no conference with Mr. Dickinson, and am positive I had no consultation whatever with Mr. Hyde.

Cross-int. 63. After the introduction of said resolution and order, did not Alderman O'Brien complain to you because of their introduction?—A. He did not; but he did call my attention to the fact that my having offered the resolve and order might give the semblance of its having emanated from the committee. I immediately rose in the board and called attention to the fact, and stated that the committee had no knowledge of the resolve and order, and that it was offered entirely on my own responsibility.

Cross-int. 64. Did he not complain on the ground that he understood that the report was agreed to as a finality, and that it was not acting

fairly by the other members of the committee for you to offer said resolution and order?—A. He did not; for the report was not a finality, but referred the whole matter for the action of the board.

Cross-int. 65. Did no conversation occur in which he made that claim?—A. I am confident not; for the board was in session at the time, and there was no opportunity for any lengthy conversation.

Cross-int. 66. Did he at no time make that complaint?—A. He did not, I am confident.

Cross-int. 67. Did not you and he have any excited conversation on the subject?—A. We did not.

Cross-int. 68. Did your committee have any evidence regarding said ballots other than the contents of the ballots themselves?—A. None whatever.

Cross-int. 69. Who sealed up the envelopes after the votes were counted?—A. I did, in every instance.

Cross-int. 70. What did you do with the seal?—A. Returned it to the city clerk.

Cross-int. 71. What did you do with it on Sunday morning?—A. I am confident it was left in charge of his assistant, who remained after Mr. McCleary went home.

Cross-int. 72. How confident are you?—A. Not confident enough to swear whether he took charge of it or whether it was placed with the envelopes in the city clerk's safe.

Cross-int. 73. Have you any recollection of what was done with it, as a matter of memory?—A. I have not, other than what I have already stated.

Cross-int. 74. Have you any recollection whatever, as a matter of memory?—A. My recollection is that, after the last envelope had been sealed, it was taken charge of, with the seal, by Mr. Priest, the assistant city clerk.

Cross-int. 75. Do you state that as a matter of memory or as a matter of belief?—A. Both. I never left the room after the completion of our labors without first seeing that the envelopes and the seal were properly cared for.

Cross-int. 76. How much of what you claim for recollection and belief is based upon your supposed habits of correctness and care?—A. My recollection as to the care of the seal is almost positive that it was taken charge of by Mr. Priest; if not by Mr. Priest, by some person designated by Mr. McCleary; but I am confident and positive it was by Mr. Priest.

Cross-int. 77. Why will you insist upon reasoning about it when I ask for your memory?—A. I have given the best answer I can to that.

Cross-int. 78. What became of the seal on Saturday morning after the Friday night's count?—A. It was placed with the envelopes in the vault of the city clerk, according to my best recollection of the matter.

Cross-int. 79. By whom?—A. By the city messenger.

Cross-int. 80. Who locked up the safe?—A. The same official, I presume; I won't state that positively.

Cross-int. 81. Will you state positively that he placed the seal in the safe on that Saturday morning?—A. I did not follow him to see what he did with it.

Cross-int. 82. Did you go into the room where the safe was at that time?—A. I did not.

Cross-int. 83. How long were you an alderman of the city of Boston?—A. As I have already answered, four years.

Cross-int. 84. How many years on the committee to count the ballots?—A. Three years certainly, and possibly four.

(Adjourned to 2 o'clock March 26.)

MARCH 26—2 p. m.

Parties appeared and deposition proceeded.

Cross-int. 85. In what order did your committee count the different wards of the third district?—A. The committee commenced with ward 13, and continued in numerical order until the recount was completed.

Cross-int. 86. Did you keep the record which you made at the time of counting the votes?—A. I did.

Cross-int. 87. Was that record made in ink or with pencil?—A. With pencil.

Cross-int. 88. Have you used that record during this examination?—A. I have.

(Witness here produces the record referred to, and hands it to the counsel for contestant for inspection.)

Cross-int. 89. Will you please to produce the record above referred to and annex it to this deposition?—A. I do.

(The same is hereto annexed, marked "W. W.—N¹," and consists of five pages of figuring.)

Direct examination resumed:

Int. 15. Please explain how this paper, W. W.—N¹, was written by you, and the method used by the committee in counting the ballots?—A. The ballots were usually assorted by the ward-officers, those for each political party being placed in separate packages, and sometimes indorsed with the number for each candidate. As the ballots were taken from the envelope by the chairman, they were counted in packages of twenty-five each. After each package of twenty-five had been counted by the chairman, and a record of the same having been made, it was passed over to the next member of the committee, and the same process was gone through, and he, in turn, passed the same package to the third member of the committee for his count and record. At the conclusion of the count made for each ward, the several members of the committee compared their records, and if any disagreement was found, the ballots were again examined until the records of each member of the committee agreed exactly. There is a memorandum attached to the record made for ward 16, stating that John J. Fitzgerald appeared and demanded the right to vote, and that it appeared that his name had already been checked or voted upon, and that he made oath that he had not voted that day, and that his ballot was received under protest, and was not counted by the ward-officers. The question of counting the same was carefully considered by the committee, and the matter was referred to the chairman for consideration and final action. The chairman informed the other members of the committee upon the following day that, in his judgment, the ballot should be counted, as it was fair to suppose that the ward-officers may have checked the man's name by mistake; the ballot was cast for Mr. Dean, and was counted for him.

Int. 16. Whether or not is this paper the same made by you while counting the ballots; has it been altered in any respect?—A. It is the same made by me while counting the ballots. It has not been altered in any respect.

Int. 17. Please look at these papers and say what they are. (Papers shown the witness.)—A. One is the original report of the committee on elections, submitted to the board of aldermen November 13, 1876, and

the other is a schedule showing the ward returns for candidates for member of Congress in the third congressional district, together with a recount of the same made by the committee.

Int. 18. Is this your signature, and that of Mr. O'Brian and Mr. Viles, the other members of the committee?—A. It is; the report was signed in my presence by the several members, and the schedule accompanying the same is that which was made by the committee from their several records.

Int. 19. Whether or not the schedule accompanied the report as a part thereof to the board of aldermen?—A. It did, and is referred to in the report.

Int. 20. In whose handwriting is the body of the report and the schedules, and whether or not you are familiar with the handwriting?—A. The report is in the handwriting of Mr. Priest, the assistant city clerk, and the schedules are in the handwriting of Mr. McCleary, the city clerk. I am entirely familiar with the handwriting of both the papers. (The papers referred to are marked "W. W.—O¹" and "W. W.—P¹" for identification, and copies thereof hereto annexed, being as near as may be fac-similes of the originals, marked "W. W.—O²" and "W. W.—P².")

Int. 21. Please take your pencil memoranda, W. W.—N¹, the report itself, W. W.—O¹, the schedule returned with the committee's report, W. W.—P¹, marked "official court," and the schedule annexed to W. W.—R, and compare the same, and state whether the results as to the number of votes cast for the candidates are the same or different?—A. The figures given in the report of the committee and schedule accompanying the same agree exactly with the record made in pencil at the time of the recount. The schedule annexed to paper marked "W. W.—R" is a copy taken from the book in which are recorded the votes given at the elections held in the city of Boston. This statement is the true record as amended by the order of the board of aldermen, and is headed "District No. 3, as amended." This record, as amended, shows that Benjamin Dean received in that district 9,315 votes, and that Walbridge A. Field received 9,320 votes, which included the twenty-five ballots which were headed, "Ward 18. For Representative to Congress, fourth district, Walbridge A. Field, of Boston."

Int. 22. Whether or not you are familiar with what are known as pasters or stickers, and whether your committee carefully examined the boxes to see if there were any such detached from the ballots, and the result of such examination?—A. I am familiar with them; they are names of candidates printed upon paper prepared with gluten, to paste over other names upon election ballots. Great care was exercised by the committee, and no pasters for candidates for Congress were found detached from the ballots.

Int. 23. In the cases which you have referred to, where a count was made by Messrs. Priest, Lee, and Clapp of the votes for members of the State legislature, while the boxes were open for the purpose of counting the ballots for member of Congress from the third district, which count was made first, that by the committee of ballots for member of Congress, or that which was made by the assistants for members of the legislature? State the whole course of proceeding.—A. I think I have already stated the envelopes containing the ballots cast for member of Congress for the third congressional district was, in every instance, opened and counted by the committee before the count was made for members of the legislature.

Int. 24. You have stated that two evenings were consumed in counting the ballots in the envelopes from the several wards. State whether

or not the contents of all envelopes or boxes were counted on the same evening that they were received from the city clerk and the record of such count made up by the committee on the same evening.—A. As I have already stated, the city clerk delivered to the committee on Friday, November 10, five envelopes, containing the ballots cast from ward 13, 14, 15, 16, and 17. These envelopes were opened and the ballots were recounted and returned to the envelopes, and the same resealed on that day. On the following day, November 11, the city clerk delivered to the committee the envelopes containing the ballots cast in the five remaining wards of the district; the same were counted, returned to the envelopes, and sealed the same day. Certificates were attached to each envelope, stating the fact that the ballots had been examined and recounted, and that the same had been replaced in the envelopes and sealed according to law. All of the certificates were signed by each member of the committee. In no instance were the envelopes handled by any person, after the same were delivered to the committee by the city clerk, until the recount was completed and the seal and certificate affixed thereto.

Int. 25. You have stated on cross-examination that you have been a member of the committee of the board of aldermen to recount ballots for three, or perhaps four years; will you please state how frequently these recounts have occurred in your experience?—A. Every year, usually at the national, State, and city elections—the last occurring at a different time from the two former.

Int. 26. Please state your experience as to the counts of the ward officers and recounts by the committee of the board of aldermen agreeing or disagreeing.—A. There is usually a discrepancy of a few ballots in every ward, sometimes reaching a number large enough to change the reported result of an election.

Int. 27. Have you ever known a United States supervisor of election to be present at any recount of ballots made by the committee of the board of aldermen, or ever request to be present, or have anything to do with such recount in any way?—A. I have not.

Int. 28. Was any request made to your committee that such supervisor might be present by any supervisor himself, or by either candidate in the third congressional district, or any person on their behalf, or any one whatever?—No such request was made.

Adjourned to March 27, 2 p. m.

MARCH 27—2 p. m.

Parties reappeared and deposition proceeded.

Int. 29. What was the advice given by Mr. Healy, city solicitor, to the committee?—A. Substantially that which I have already stated, that the committee should not take the responsibility of deciding how the twenty-five ballots cast in ward 18, for Mr. Field, as of the fourth district, should be counted, but to report the facts to the board of aldermen.

Cross-examination resumed:

Cross-int. 90. The report of your committee and the schedule referred to in answer to redirect interrogatory 21 are upon separate pieces of paper, are they not?—A. They are.

Cross-int. 91. They do not bear any signs of having ever been joined together in any way, do they?—A. They do not; but I recognize the schedule as the one submitted by the committee with the report signed by them.

Cross-int. 92. Was any other or further action taken by your committee, acting as a committee, in reference to this recount of votes for Rep-

representative in Congress for the third district after their report above referred to was made?—A. No further action was taken by the committee upon the recount for the third congressional district after their recount of the votes cast in the third district was submitted to the board of aldermen.

(Witness here states that before signing he would like to state in answer to cross-interrogatories before put to him:—)

I desire to state that the ballots for ward 1 in the fourth district were counted Saturday evening, November 11, by Messrs Priest, Lee, and Clapp, and not by the committee, though in our presence, and the same is true of wards 9, 11, and 12. Ward 10 was counted by the committee. These counts were for members of the State legislature.

SOLO. B. STEBBINS.

Deposition of Clinton Viles.

MARCH 28, 1877.

CLINTON VILES, a witness for Walbridge A. Field, the incumbent, being first duly sworn, in answer to interrogatories proposed by J. Lewis Stackpole, esq., of counsel for the incumbent, testified as follows, viz:

Interrogatory 1. State your name and residence, and what office, if any, you now hold.—Answer. Clinton Viles; Boston, Mass.; I am alderman for the city of Boston.

Int. 2. Did you hold this office in the year 1876?—A. I did.

Int. 3. Whether or not you were duly appointed a member of the committee of the board of aldermen to examine the returns of the election held November 7, 1876, and who were the other members of the committee?—A. I was; Solomon B. Stebbins, Hugh O'Brien, and myself.

Int. 4. Was this appointment of the committee made before or after November 7, the day of election?—A. Before, I think; the Monday before.

Int. 5. Please examine the envelopes and certificates upon the envelopes now shown you, and marked by the magistrate from W. W.—A. to W. W.—J., inclusive, and state whether or not these envelopes were received by your committee from the city clerk; and, if so, where, when, and under what circumstances?—A. I have examined them; those were the ones received from the city clerk; my signature is upon them. When they first came to my knowledge they were brought into the large committee-room at the city-hall by Mr. McCleary—wards 13, 14, 15, 16, and 17 on November 10, 1876; wards 18, 19, 20, 21, and 24, November 11, 1876.

Int. 6. Who were present when they were so brought in?—A. Aldermen Stebbins, O'Brien, and myself; and the city messenger, who has charge of the room, was in and out—came in as he was sent for; he didn't used to come in, unless he was sent for, without he rapped on the door.

Int. 7. What seals, if any, were upon the envelopes when they were so brought in, and in what condition were the seals?—A. The city seal was upon them, and always whole.

Int. 8. How did the committee proceed to count? State fully and particularly all that was done.—A. Stebbins, being chairman of the committee, would take the box, place it upon the table before us, take his knife and break the seal and open the box in our presence, lay the ballots out upon the table, part at a time as required; he would sort them out, count them in twenty-fives, pass them to me; I would count them, hand

them to O'Brien; he would lay the packages on the end of the table, in packages of twenty-five at a time, one package across the other, so if there was an error in the count we could easily go back of the packages and correct it. Occasionally I would find a package of twenty-four as it came from Stebbins. We were counting for members of Congress, third district, in this way, and I would hand it back to Stebbins, and he would recount it and place another ballot with it; and, occasionally, one with twenty-six; I would pass that to him, and one would be taken from it; then I would recount it, and pass it to O'Brien. I think, in one or two instances, a package would pass me, and O'Brien would detect the error. That was the *modus operandi* in regard to all the ballots.

Int. 9. Whether or not each one of the committee counted every ballot in the several wards in the third district?—A. We did, in every instance.

Int. 10. Whether or not the counts of the three members of the committee finally agreed?—A. They did exactly; each one kept his own account separate. In one or two instances there would be a mistake between the three, and then we would go back and verify it by comparing the packages of twenty-five with our tallies.

Int. 11. Where is the account kept by you? If you have it, please produce it.—A. I haven't it; I threw it into the waste-basket, not supposing it of any value. When I would count a package of twenty-five I made a mark (1), and then would count another and make another mark, and then another, and the fourth package would make a diagonal mark, so I had them in divisions of a hundred, as follows: $\begin{smallmatrix} 1 \\ 2 \\ 3 \\ 4 \end{smallmatrix}$. If there was any error it was pointed out by the other members. O'Brien kept his in twenty-fives. I kept mine in this way, as it was easier to count at the end. We always agreed on the final result and always detected any error. The odd numbers less than twenty-five had to be put down in figures.

Int. 12. Please state what was then done with regard to placing the certificates in the envelopes and resealing them.—A. When we found we were correct, the ballots were placed in the envelope by Alderman Stebbins, in our presence, and were sealed up and the certificate signed by the committee.

Int. 13. Whether when you were shown the envelopes from W. W.—A to W. W.—J, inclusive, you recognized the certificates and seals upon them?—A. I did.

Int. 14. Please state what, if anything, was done with reference to a recount in wards 13 and 14 for State officers, and who made the recount.—A. Mr. Lee, clerk of the committees, Mr. Clapp, assistant clerk, and Mr. Priest, assistant city clerk, counted for State senator on another table at the other end of the room. I am not certain whether it was for senator or representative.

Int. 15. Was this recount for State officers in wards 13 and 14, made before or after the recount made by the committee of the board of aldermen for member of Congress for the third district?—A. Made after.

Int. 16. Please look at these papers I show you, W. W.—O¹ and W. W.—P¹, and state what they are.—A. W. W.—O¹ is our report to the board of aldermen; it is my signature on it and the signatures of the other members. W. W.—P¹ is the result as the committee reported.

Int. 17. Whether or not W. W.—P¹ is the paper referred to in the report of the committee as "the tables hereto annexed."—A. It is.

Int. 18. Please look at paper W. W.—Q., and state what this is.—A. It is a petition to the city clerk for a recount. Papers like that were received by the committee.

Int. 19. Will you look at Exhibit D, annexed to answer of Walbridge A. Field in this case, and say whether you found in any envelope, and if so, what envelope, ballots of a like tenor and appearance to this; and, if so, how many?—A. In ward 18 I found ballots like that—twenty-five.

Int. 20. Are these twenty-five ballots referred to in your last answer the ballots referred to in the report of the committee as “for Walbridge A. Field, for member of Congress from the fourth district, twenty-five ballots?”—A. They are.

Int. 21. Will you please state to what political parties, severally, you yourself, and also Alderman O'Brien and Alderman Stebbins belong?—A. Stebbins is a republican; O'Brien is a democrat, and I am a democrat.

Int. 22. Can you describe more particularly the seals upon the envelopes when received by the committee?—A. I noticed the seals, and saw they were city of Boston seals, but was not aware that each ward had a seal; don't know whether it has or not. I knew the box came from the particular ward, because the number of each ward was printed on the box.

Int. 23. Can you say whether or not the seals also contained a designation of the ward from which the envelopes came?—A. I could not say whether they did or not. I am not aware whether each ward has a seal of its own.

Int. 24. Whatever the seals were, were they broken or unbroken when the envelopes were received by the committee from the city clerk?—A. They were unbroken.

Adjourned to 3 p. m.

Three p. m. deposition proceeded:

Int. 25. Did you look to see whether there were any pasters or stickers in the envelopes separated or detached from the envelopes?—A. I did in every instance, in every box, and also on the floor where Mr. Stebbins sat. Stebbins was chairman, and no one ever took any ballots out of the envelopes, except Stebbins.

Int. 26. Did you find any such stickers or pasters remaining in the envelopes or upon the floor or the table?—A. I did not.

Cross-examination by S. A. B. Abbott, esq., of counsel for the contestant:

Cross-int. 1. You did find a great number of ballots with Mr. Dean's name pasted over Mr. Field's, did you not?—A. A great many, especially in all three of the wards of South Boston, wards 13, 14, and 15. I don't know how many there was; I think there were hundreds.

Cross-int. 2. Will you please to state what took place when you went to the city-hall this morning to identify the envelopes containing ballots for the third district in answer to direct interrogatory 5?—A. We called for Mr. McCleary, the city clerk. He was absent in court. His assistant, Mr. Priest, said he could attend to us, and got the key and went down and opened the vault for me. Messrs. Abbott and Stackpole were present, and we all went into the vault together. We took the envelopes, commencing at ward 13. I copied the dates where I signed them and noticed my signatures. I went through all the envelopes for the district and identified them all. In the city clerk handling the boxes the hooks came out and broke the tag and the lid came open, the seal remaining whole. The assistant, Mr. Priest, went for the city seal, and we resealed it. No ballots came out and no one looked into the box.

Mr. Abbott and Mr. Stackpole and I were there until the clerk came back with the seal and sealing-wax. I think it was ward 20. We placed the envelopes back in their usual position.

Cross-int. 3. The tag broke or became detached inside of the box, did it not?—A. It did. There was nothing outside to show what broke, and we didn't open the box.

Cross-int. 4. Was there anything to indicate that the box had not been opened previous to the time in question and after it had been sealed by your committee?—A. Nothing at all; couldn't tell that anything had ever happened to it.

Cross-int. 5. As far as you could tell, from the appearance of the box, it might have been opened and all the ballots examined after it had been sealed by the committee, might it not?—A. Yes.

Cross-int. 6. Was there anything to indicate that the tag was not unfastened, but was loose prior to the opening of the box?—A. There was nothing to indicate anything of the kind; the seal was whole, and the tag was whole, as far as I could see.

Cross-int. 7. When the hooks came out the box flew open because the tag was detached from the lid; did it not?—A. I presume in the usual course of things the tag broke or became detached. I don't think the box came open two inches.

Cross-int. 8. Could you tell whether or not the seals which you found upon the boxes when you examined them this morning, were the seals which your committee put upon them?—A. They were; it was the city seal in both instances.

Cross-int. 9. Could not the seals put upon the boxes by your committee have been broken and the boxes resealed, without your being able to detect it?—A. I should have to go into an examination; if I should open the boxes I could tell.

(Question repeated.) Yes, I should think they might. If a person had the city seal, and ample time, he could open the box and reseal it.

Cross-int. 10. When your committee were counting the votes, did anything happen which caused you to send for the city solicitor? And, if so, what?—A. When the vote got to be pretty close we were all more or less interested, and we spoke of the twenty-five ballots, fourth district, which were in dispute, in regard to what we should do with them; as we couldn't come to any agreement in regard to them, we sent for the city solicitor, who is supposed to be authority. He came and remained with us nearly an hour. We put the questions to him in all ways, and he was emphatic that we could not count the votes for Mr. Field; he told us if we did we made the ballots contradict themselves. I don't know as I can add anything more; that is the sum and substance of what occurred. I might add, we all accepted it as authority, and nothing was said pro or con.

Cross-int. 11. Did the city solicitor say how the ballots would thus be made to contradict themselves?—A. He said he couldn't vote for a man for the fourth district and take the ballot up into the third.

Cross-int. 12. Notwithstanding this decision, what was the first report prepared by the chairman of the committee, Mr. Stebbins?—A. The first report was counting these twenty-five votes for Mr. Field.

Cross-int. 13. Did your committee ever agree that these twenty-five votes should be counted for Mr. Field?—A. Never.

Cross-int. 14. Then you did not sign the first report prepared by Mr. Stebbins?—A. I did not.

Cross-int. 15. When was the report you signed first shown to you?—

A. About fifteen minutes before the board met on Monday afternoon, as near as I can recollect.

Cross-int. 16. Did your committee ever have an evidence other than the votes themselves to show for whom they were intended?—A. None to my knowledge.

Cross-int. 17. Who procured the insertion into the report of that part which related to the intention of the persons casting the twenty-five votes?—A. The chairman. He had the report drawn up, and brought it for us to sign.

Cross-int. 18. You had no evidence before your committee in relation to the words "fourth district" being a mistake of the printer, did you?—A. I think not.

Cross-int. 19. Did not Alderman Stebbins read before the board of aldermen, at the meeting where the resolution and order were passed regarding this election, a paper, signed by four persons, stating their intention regarding their votes?—A. I think he did.

Cross-int. 20. Did not Judge Abbott, in behalf of Mr. Dean, at the meeting of the board of aldermen in which the order was passed regarding this count, make the proposition that the matter should be certified to the governor and council in such a form that they could take the opinion of the supreme court upon the question of counting those twenty-five votes for Mr. Field, and did he not offer to accept the decision of that court as final in the matter?—A. He did.

Direct examination resumed:

Int. 27. Have you any doubt that the voters in ward 18 voting those twenty-five ballots meant to vote for Walbridge A. Field as Representative to Congress from the district in which they voted, and that there was a mistake of the printer as well as the voter?—A. Healy told us, I think, that we couldn't take the intent of the voter. Taking a common-sense view of it, I think that the people supposed they were so voting. The printer who was there at the meeting of the board was, I suppose, a truthful man, and he so testified.

Int. 28. Was there anything in the springing open of the box at city-hall to-day which indicated to you that it had been previously opened?—A. Nothing.

Int. 29. Please state more fully how it came to burst open, and by what the person lifting it had hold?—A. The box had been laid over on its side, and the person taking it up took hold of an iron handle in the top of the box, and the hooks which held the cover down, which are common crooked brass hooks, sprung out, and the box opened—the person holding the handle was moving the box from the table to the floor when it came open.

Int. 30. In what manner was the box resealed by Mr. Priest? Where was the new seal put on, and did the old seal remain unbroken?—A. With sealing-wax stuck on to the tag where the box comes together, part of the wax on the edge of the cover and part on the box. The old seal remained unbroken, without a scratch.

Cross-examination resumed:

Cross-int. 21. The boxes as first sealed might be opened by any one without breaking the seal, might they not?—A. No, they could not; or I might answer that they could cut the tag above the seal, that wouldn't break the seal, and you could open the box.

Cross-int. 22. In the case of the one which came open, was it not because the tag at the other end, which was out of sight, in some way

and at some time was torn off? Were not all the boxes sealed in the same way, and might they not all be opened in the same way?—A. I have no way of knowing whether it was torn off or not, for I didn't look. They were all sealed the same way—they might all be broken in the same way.

Cross-int. 23. Do you know how the ends of the tags not sealed are fastened to the boxes?—A. I do not; don't know whether they were tacked in or stuck in, nor how securely; they were fastened to the inside of the lid after the lid came down—none of us opened it to see how it was done.

Adjourned to March 29, at 9 a. m.

MARCH 29, 9 a. m.—Deposition proceeded:

Cross-int. 24. The offer to make arrangements to get the question before the supreme court was declined by the other party, was it not?—A. It was.

Cross-int. 25. How long has Mr. Healy been city solicitor for the city of Boston?—A. I couldn't say; ever since I have had anything to do with the city government—for a great many years, I should think for twenty years.

Cross-int. 26. Exhibit D annexed to the answer is headed republican presidential ticket, with Hayes and Wheeler and the republican presidential electors; has it, however, the republican candidates for governor and lieutenant-governor?—A. It has not.

Cross-int. 27. Who were the candidates for governor and lieutenant-governor on that ticket?—A. A. H. Rice and — Knight were the candidates on the republican ticket; John I. Baker and Daniel C. Eddy are the candidates on this prohibitory ticket.

Cross-int. 28. Was not the great object by the prohibitory ticket to defeat the republican candidates for governor and lieutenant-governor?—A. It was; I don't know as they expected to elect anybody, but every vote against them helped defeat them.

Cross-int. 29. If therefore a republican desired to vote against Mr. Rice because of the militia or liquor questions, and was unwilling to vote for the democratic candidate, Mr. Adams, he could throw his vote against Rice by voting for Baker, could he not?—A. He could.

Cross-int. 30. That is, by voting this ticket, Exhibit D, annexed to the answer?—A. Yes.

Cross-int. 31. And if a republican desired to have his vote count against Mr. Field without voting for the democratic candidate, he could do that by voting this ticket D, or he might think he could, might he not?—A. He could.

Cross-int. 32. Were there not split tickets in all the wards, some of which had the democratic presidential electors and some with republican presidential electors, distributed, with the names of Baker and Eddy for governor and lieutenant-governor upon them?—A. There was.

Cross-int. 33. Were there not in every ward many split tickets for different offices?—A. There were.

Cross-int. 34. Is Exhibit D, annexed to the answer, similar in any respect, except, perhaps, some of the names, to the regular republican ticket used at the election on November 7?—A. It is the usual size—I can't state as to the color of the ticket; can't say whether the republican ticket was printed or not; don't remember.

Cross-int. 35. Have you any more knowledge as to whether the words "fourth district" in said ticket D were an error of the printer than you

have whether the names Baker and Eddy were an error of the printer?—A. I have not.

Cross-int. 36. Have you any more knowledge of the intentions of the voters as to congressional candidates than as to candidates for governor and lieutenant-governor, except what was given before the board of aldermen?—A. I have not.

Cross-int. 37. I notice on this ticket D the name of John P. Manning for clerk of superior criminal court. Was he the democratic or republican candidate for that office?—A. The democratic candidate.

Cross-int. 38. In the report of the committee prepared by Alderman Stebbins, it says, "The committee judge that an error was made in the printing of the ballots," &c.; did you understand that as anything more than a possible solution of the question, or one way of accounting for it?—A. That was all. We had no facts in regard to it in any way.

Cross-int. 39. Look at tickets shown you, marked "W. W.—D¹" and "W. W.—D²," and state what they are, if you recognize them.—A. W. W.—D¹ is the regular democratic ticket for ward 18; W. W.—D² is the regular republican ticket for ward 18.

Cross-int. 40. Omitting the difference in the heading of the tickets and the names of the presidential electors, and the difference in the color of the tickets and of the backs of the tickets, please name the differences in the candidates and description of offices. I refer to ticket D and the regular republican ticket, W. W.—D²? A. In W. W.—D², "for governor, Alexander H. Rice, of Boston; for lieutenant-governor, Horatio G. Knight, of East Hampton." On ticket D, "Prohibitory and equal rights ticket, for governor, John I. Baker, of Beverly; for lieutenant-governor, Daniel C. Eddy, of Boston." On W. W.—D², "for secretary of the commonwealth, Henry D. Peirce, of Abington." On ticket D, "for secretary of state, David B. Gurney, of South Abington." On ticket D, "for treasurer and receiver-general, David N. Skillings, of Winchester;" and on W. W.—D², "for treasurer and receiver-general, Charles Endicott, of Canton." On W. W.—D², "for auditor, Julius L. Clarke, of Newton." On ticket D, "for auditor, Jonathan H. Orne, of Marblehead." On W. W.—D², "for attorney-general, Charles B. Train, of Boston." On ticket D, "for attorney-general, Orin T. Gray, of Hyde Park." On W. W.—D², "for clerk of superior court for criminal business, Hiram S. Shurtleff, of Boston." On ticket D, "for clerk of superior criminal court, John P. Manning, of Boston." On W. W.—D², "for Representative to Congress, Walbridge A. Field, of Boston." On ticket D, "for Representative to Congress, fourth district, Walbridge A. Field, of Boston." On W. W.—D², "for councilor, Liberty D. Packard, of Boston." On ticket D, "for councilor for fourth district, Henry D. Cushing, of Boston." On W. W.—D², "for senator, Samuel D. Crane." On ticket D, "for senator, sixth Suffolk district, Alden Avery, of Boston." On W. W.—D², "for representatives to the general court, Stillman B. Allen, John H. Cook." On ticket D, "representatives to general court from sixteenth Suffolk district, Edward M. Horton, James R. Berry." The arrangement of the names on the tickets also differs.

Direct examination again resumed:

Int. 31. Are not the names of Messrs. Eddy, Baker, Gurney, Skillings, Orne, and Gray, which are upon ticket D, the names of the regular candidates of the prohibitory party for the several State offices at the election in November last, and is not the ticket D, so far as State offices

are concerned, the regular prohibitory ticket, so far as you know?—A. They are. It is.

Int. 32. Were not Henry D. Cushing, Alden Avery, Edward M. Horton, and James B. Berry also the regular prohibitory party candidates at that election for the offices for which they are designated upon said ballot D? Are they not prominent members of the prohibitory party?—A. They were. I should presume they were, for they are on the ticket. I don't know whether they are prominent members of that party. I don't know any of them.

Int. 33. Knowing that Messrs. Baker and Eddy were the regular candidates of the prohibitory party for governor and lieutenant-governor, would you have any reason to suppose that it was by mistake or otherwise that their names were placed upon the prohibitory ticket in ward 18; which should you suppose to be the case?—A. I shouldn't suppose it was by mistake.

Int. 34. Did you not know that Walbridge A. Field was the regular republican candidate for Representative in Congress in ward 18 at the election in November for the third congressional district?—A. I did.

Int. 35. When you found, at the time of counting the votes, the name of Walbridge A. Field upon a vote cast for Representative to Congress in ward 18 with the addition of the words "fourth district," did you then suppose that addition to be intentional or by mistake?—A. I had heard it both ways; that the ballots were printed on purpose, but knew nothing of the facts.

Int. 36. Had you heard it stated before counting the votes that the ballots were so intentionally printed?—A. I had heard it so rumored.

Int. 37. From whom had you heard it?—A. I couldn't state who it was before counting, but can state who it was before we made the report.

Int. 38. From whom?—A. John A. Nowell.

Int. 39. Was not the name of John P. Manning, for clerk of the superior criminal court, put upon a very large number and variety of ballots, other than the regular democratic ticket?—A. I think it was.

Int. 40. Was he not the incumbent of the office at the time of the election?—A. He was.

Int. 41. And did he not receive a much larger vote than the regular democratic vote in the city?—A. I think he did.

Cross-examination again resumed:

Cross-int. 41. Did not the statement or information that the words "fourth district" were an error of the printer come from Alderman Stebbins at the time of the counting of the votes?—A. I don't know that it did. I have no recollection of it.

CLINTON VILES.

APRIL 6, 1877.

Clinton Viles, the witness above, reappeared and testified as follows, viz:

I have come here this morning of my own free will to correct the answer I made to interrogatory 36. I am satisfied that I was mistaken in testifying that I had heard, before counting, that those ballots were intentionally so printed.

Witness further says, in reply to questions by counsel: My replies to interrogatories 14 and 15 will apply to the recount in whatever wards made for State officers.

CLINTON VILES.

Deposition of M. F. Dickinson, jr.

MARCH 28, 1877.

M. F. DICKINSON, Jr., a witness for Walbridge A. Field, the incumbent, being first duly sworn, in answer to interrogatories proposed by J. Lewis Stackpole, esq., of counsel for the incumbent, testified as follows, viz:

Interrogatory 1. State your name, occupation, and residence.—Answer. M. F. Dickinson, jr.; lawyer; Boston, Mass., 156 West Newton street, ward 18, third congressional district.

Int. 2. What office, if any, did you hold in any political party in November last?—A. I was chairman of the third congressional district republican committee.

Int. 3. As such, did you visit the ward-rooms where the voting was going on last November 7, and when?—A. I did; between the hours of 10 a. m. and 2 p. m. I visited all the ten polling-places in the district during that period.

Int. 4. Will you please look at Exhibit D, annexed to defendant's answer, and state any facts within your knowledge as to how this was used on that day, and the political party or wing of a party who used it?—A. This ticket is the so-called prohibitory ticket. I first saw tickets of this description on the morning of the election, November 7 last, in our ward-room, in ward 18, on Concord street, shortly after the polls were opened; they were being distributed to voters by Mr. Alden Avery, one of the leading men in the prohibition party in our part of the city. My attention was not called in the early part of the day to the designation "fourth district" in connection with Mr. Field's name; I merely noticed the fact that Mr. Avery had for distribution this form of prohibitory ticket, Exhibit D, and also one of similar color and appearance bearing the democratic presidential electors' and Mr. Dean's names for Congress. He had the republican prohibitory tickets like Exhibit D on top of the pile he was distributing from, and the democratic prohibitory tickets bearing Mr. Dean's name at the bottom of the pile. So far as I know or ever heard up to the time I left ward 18 ward-room, about ten o'clock, to visit the other wards, no one had discovered the words "fourth district" upon this prohibitory ticket. Upon my return to ward 18 ward-room, about 2 p. m., my attention was immediately called to this designation "fourth district" upon the prohibitory ticket, but I cannot remember by whom. I went immediately to Mr. Avery, who was still distributing both varieties of the prohibitory ticket, and called his attention to the words "fourth district," and suggested that the word "fourth" had better be erased, and "third" written over it, or that the designation of the district be entirely omitted. He said he thought it a matter of no consequence whatever, but allowed me, at my request, to take all the ballots like Exhibit D which were in his possession and change them, which I did by erasing the words "fourth district." I substituted nothing in place of those words. After that time I am sure no ballots like Exhibit D were thrown in our ward, except those upon which such erasure had been made, for I, with others, stood near the boxes all the time until the polls closed attending to this particular matter. As I remember it, the number of prohibitory votes thrown after two o'clock was very trifling. I made this correction immediately after my return, which was about two o'clock.

Int. 8. Do you know Walbridge A. Field, the candidate for Congress from the third district at the election in November last, and what dis-

trict did he live in? How long have you known him, and have you either known or heard of any other person of that name in either the third or fourth congressional district, and have you made any effort to learn whether there exists or then existed any such other person?—A. I do know him. He lived and still lives in the third congressional district, at No. 43 Rutland Square; have known him ten years. I never knew or heard of any other person bearing the name Walbridge A. Field, either in the third or fourth congressional district, or anywhere else; I have examined the Boston Directory for four or five years past to see whether any other person of that name has lived in Boston during those years, and I find no such other person.

Cross-examination by S. A. B. Abbott, esq., of counsel for the contestant:

Cross-int. 1. As far as you know was not the election in question in the third district a fair one and free from fraud?—A. I answer, yes, unequivocally, if you mean by "fair and free from fraud" the same as I do. I think there were mistakes made in the counting the votes by the ward officers, but farther than that I have never heard or had reason to suspect there was any irregularity in the election. In making this answer I refer to the conduct of the election and what took place on election day, but I do not refer to the registration, for I have my doubts whether that was entirely honest.

Cross-int. 2. Do you know of any instance in which the ward officers did not do their duty on that day in that district?—A. No; I have no doubt the mistakes made in the count by them were honest—accidents.

Cross-int. 3. Do you know of any mistake being made except those supposed to have been discovered by means of the recount?—A. No.

Cross-int. 4. Did you, before the recount, know of any specific instance of a mistake made by any ward officer?—A. No; but from what I had known of other elections, and that it has seldom happened that a recount of votes in a ward has tallied exactly with the count of the ward officers, it seemed to me more than likely that the total result for member of Congress in our district might be varied by a recount.

Cross-int. 5. Had you any other cause than that just stated to believe that a mistake had been made by the ward officers?—A. No; I thought a recount was quite likely to show that Mr. Field had received more votes than had been counted for him by the ward officers, and the result showed it so. Mr. Dean also, on the recount, got more votes than the ward officers gave him.

Cross-int. 6. Had you, before the recount, any reason to believe that any mistake which might have been made by the ward officers was a mistake in favor of Mr. Dean, rather than in favor of Mr. Field?—A. I had no particular reason to believe so, only a general belief that it might be so.

Cross-int. 7. That is, after it was apparent from the returns of the ward officers that Mr. Dean was elected, you believed that Mr. Field might be benefited by a recount, while he could not possibly be hurt by such recount?—A. I believed, after the returns of the ward officers were all in, that Mr. Field might be benefited by a recount; and I certainly knew he could not be declared elected without a recount.

Cross-int. 8. You, therefore, signed a petition as a citizen of ward 18, requesting a recount, "because you had reason to believe that the ward returns were erroneous," did you not?—A. Yes; the language of the petition is taken from section 4 of chapter 188 of the acts of 1876, and

the petition was drawn in conformity with the provisions of that section.

Cross-int. 9. All the petitions for a recount of the ballots cast in the several wards were drawn up under your direction and at your office, were they not?—A. Yes; that duty devolved upon me as chairman, after consultation with the other members of the district committee. I had nothing to do, however, with obtaining names upon any of the petitions.

Cross-int. 10. Did you or not decide upon the persons who should be requested to sign any of the petitions?—A. No; I gave the petitions to the members of the district committee for the several wards, and they obtained the signatures I suppose.

Cross-int. 11. Did you or not have any consultation with any member of the board of aldermen in respect to counting the twenty-five votes cast in ward 18 "for member of Congress, fourth district, Walbridge A. Field, of Boston," before the meeting of the board of aldermen on Monday p. m., November 13, 1876?—A. No.

Cross-int. 12. Did you have any communication with any one of them before that meeting?—A. None whatever, that I remember.

M. F. DICKINSON, JR.

Deposition of Charles C. Roberts.

MARCH 29, 1877.

CHARLES C. ROBERTS, a witness for Walbridge A. Field, the incumbent, being first duly sworn, in answer to interrogatories proposed by J. Lewis Stackpole, esq., of counsel for the incumbent, testified as follows, viz:

Interrogatory 1. What is your name, age, residence, and occupation; how long have you resided or done business in Boston, and what is your place of business?—Answer. Charles C. Roberts; forty-six; residence, Cambridgeport, Mass.; printer; have done business in Boston, Mass., ten years; my place of business is 21 Brattle street, Boston.

Int. 2. State whether you were employed to print any ballots for the election which took place in Massachusetts November 7, 1876; if so, what ballots, by whom were you employed, and when; and whether you printed the same, and when?—A. I was employed to print ballots for the State prohibitory party, so called, as a general thing for the entire State of Massachusetts. During the latter part of October, 1876, I was employed—can't say precise date—by vote of the State prohibitory committee; the only party I recognized was Charles A. Hovey, the secretary. I printed the same from and after that date until and including the morning of the 7th of November. There were some towns and cities in the State in which the party printed their own ballots.

Int. 3. State whether you printed the ballots for the prohibitory party for the city of Boston, including ward 18 of that city.—A. To the best of my knowledge, I did; can't state with certainty whether I printed all the wards; I did print ward 18.

Int. 4. From whom did you receive the instructions as to the ballots to be printed for that ward?—A. From the said Charles A. Hovey, secretary.

Int. 5. Did you receive any instructions to print in the ballots for that ward or any other ward the words, "for Representative to Congress, fourth district, Walbridge A. Field, of Boston?"—A. Not specially.

Int. 6. Did you in any way receive instructions to print the words, "fourth district," in connection with the name of Walbridge A. Field?—A. I did not.

Int. 7. Examine the ballot shown you, and marked "W. W.—D.³," and state whether this is one of the ballots printed by you for said ward 18 for said election, and how many of the same you printed, and how you came to print the same in that form.—A. I have examined it. It is one of the ballots that I printed for that ward for that election. I printed two thousand copies. How I came to print it in that form will involve a little explanation; which is, that by printing the several ballots for each district or ward it was necessary to make changes in the form, part of which was stereotyped and part in loose types. The ballot W. W.—D.³ was stereotyped, with the exception of "Ward XVIII," from that line down to a line over the words "For Representative to Congress," &c.—that was in one block; the two next lines of print, namely, "For Representative to Congress, fourth district, Walbridge A. Field, of Boston," were in loose type. From the line below the name of Field, to and including the names for auditor and attorney-general and the rule line below them, was in three separate blocks, each stereotyped; all below that were in loose types. In changing the form from the candidate of the fourth congressional district, in some other ward, to the third district, ward 18, I neglected to change the word "fourth" to "third."

Int. 8. Please take the ballot I show you, marked "Ward VIII, W. W.—D.⁴," and illustrate the manner in which you made the change you have spoken of, and the mistake you have described.—A. In illustrating from said ballot I would call your attention to the words "For Representative to Congress, fourth district, Rufus S. Frost, of Chelsea." I took out the line "Rufus S. Frost, of Chelsea," and inserted the line "Walbridge A. Field, of Boston," making necessary changes only in the number of the ward and the representatives to the general court and the senator. I do not mean to say that I changed this ballot of ward VIII into ward XVIII, but a ballot of similar nature; it is possible it was the same ballot.

Int. 9. What portion of ballot W. W.—D.⁴ is from the same type with ballots W. W.—D.³?—A. There is a change in type and number of the ward; also in the type of the name of Walbridge A. Field, of Boston, and Rufus S. Frost, of Chelsea; also the words "for registrar of deeds," and the line "representatives to general court;" all the others being substantially the same.

Int. 10. State whether you have preserved any of the "copy" sent to you for printing the ballots in wards 17 and 18; if so, produce the same.—A. I have, and produce all the copy that I know of for those wards. (The same are annexed hereto, marked "W. W.—D.⁵" "W. W.—D.⁶," and "W. W.—D.⁷.")

Int. 11. State what the printed ballot marked "W. W.—D.⁷" is; whether or not it is the ballot of ward 17, as actually printed, or whether it is a proof for said ballot.—A. It is a proof, which needed correcting before being printed; and a printed copy of the same, as corrected, is herewith presented. (The same is annexed, marked "W. W.—D.⁸.")

Int. 12. In what did the copy sent you for ward 18 differ from that for ward 17?—A. The difference was only in the representatives to general court, as shown by W. W.—D.⁶.

Int. 13. State whether you printed the word "fourth" before the word "district," in ballot W. W.—D.³, intentionally or by inadvertence, and

whether by instructions or against instructions.—A. By inadvertence; it was a mistake on my part, my instructions being “third district.”

Cross-examination by S. A. B. Abbott, esq., of counsel for the contestant:

Cross-int. 1. Did you or not have any “copy” for Representative to Congress in the 18th ward?—A. I did; the “copy” given me for all the Representatives to Congress from the State of Massachusetts was written on one sheet of paper, to which I was directed to refer, and to be governed by that list, the number of the district, in some instances, only being given. The name of Walbridge A. Field was distinctly written for the third congressional district; which “copy” I cannot now produce, but will do so, if in my power, hereafter. Just before testifying, at the request of Mr. Russell, I went and endeavored to find it at my printing-office, but could not.

Cross-int. 2. Will you give the names of the persons who assisted you in printing the ticket for ward 18?—A. I can't now remember all. I would rather be excused bringing them in; if I am obliged to I will; to the best of my knowledge, Thomas Kane, Peter Burns, Thomas Quirk, a man named Caldwell, William Quinn; that's all that I can remember. I mean they helped me print ward 18 and other ballots; I can't say they touched ward 18. My book-keeper, Lizzie Farnham, also read proof.

Cross-int. 3. Who was your proof-reader for this ballot for ward 18?—A. Myself, and possibly Lizzie Farnham.

Cross-int. 4. What became of your proof for the ward-18 ballot?—A. I cannot say; don't know.

Cross-int. 5. When did you last see it?—A. I can't answer that; I do not know.

Cross-int. 6. Did you not take it from your printing-office?—A. I believe not.

Cross-int. 7. Can't you state positively?—A. I cannot.

Cross-int. 8. Did you not have it in your possession after the election?—A. I do not remember.

Cross-int. 9. Will you swear that you did not purposely destroy it or secrete it?—A. I do; I am under oath now. I mean, I destroyed all the proofs and things that were on the file, and that may have been among them; I don't know.

Cross-int. 10. Why was it you happened to destroy this proof and not that of ward-17 ticket, about which there is no dispute?—A. Because this ward-17 ticket was put in the drawer with the rest of the “copies,” it being “copy” for names, as written thereon.

Cross-int. 11. What do you mean by “the rest of the copies?”—A. I must define that by saying “some of the copies;” the rest of the “copies” were not all in that drawer; and from the appearance of said copy W. W.—D⁶ and W. W.—D⁷, I judge they have been upon the hook, on file.

Cross-int. 12. Then you did not destroy the proofs and things which you had on file?—A. I destroyed some of another file; I had several files—lots of them.

Cross-int. 13. What method did you adopt in singling out files for destruction?—A. The rough press-proofs I destroyed after the election was over.

Cross-int. 14. What do you call the proof of ward-17 ballot; is it a rough proof or a perfect one?—A. Neither; it is part proof and part copy.

Cross-int. 15. Can you say why you should happen to preserve this

proof for ward 17, which is of no importance, while you destroyed that of ward 18, which is of some importance?—A. I cannot give any definite reasons. The fact was that the proof of ward 18 being a rough proof, and not going out of the office to headquarters, was placed upon a file kept for the purpose of rough proofs, which rough proofs were upon any kind of paper, simply for me to look over to give the word to the pressman, and afterward some would be destroyed and some remain on file, and this was destroyed after the election.

Direct examination resumed :

Int. 14. Where and what is the copy you had for ward 18?—A. That which is marked "W. W.—D⁶."

Int. 15. Have you preserved the proofs of other ballots than that of ward 17?—A. I have not. Ward 17 having of necessity been submitted to headquarters and names added thereto, further proof not being necessary to be so submitted, that particular proof was placed among the "copy," to the best of my knowledge.

Int. 16. State whether or not it was used with W. W. D⁶ as "copy" for ward 18.—A. I do not know for certain, but to the best of my knowledge it was.

Int. 17. Have you preserved the "copies" for ballots for the other Boston wards, or any of them, and are they here for inspection of counsel of both parties?—A. I have, as far as I know of; they are—that is, all the wards that I know of that I have preserved are here. I find the "copy" for most of the wards of the city of Boston.

Int. 18. Where are your instructions as to the number of republican prohibitory ballots to be printed for ward 18?—A. It is marked upon "copy" marked "W. W.—D⁶," and my impression is from the fact of a memorandum made upon its foot that it was pinned onto W. W.—D⁷ at the time I received from headquarters W. W.—D⁷, as it now is.

Int. 19. Had you any other instructions than that as to the number of ballots to be printed for that ward?—A. I do not remember; possibly they may have given verbal instructions; that is their own writing as it came from headquarters.

Int. 20. When did you first discover the mistake in printing "fourth" district instead of "third" district?—A. Not until I saw it in the public prints as having come before the board of aldermen. It worried me so during the night that I slept but little, and as early as possible next morning went to the mayor of Boston and explained it as best I could as being my own blunder.

CHAS. C. ROBERT.

Deposition of A. A. Miner.

MARCH 29, 1877.

A. A. MINER, a witness for Walbridge A. Field, the incumbent, being first duly sworn, in answer to interrogatories proposed by J. Lewis Stackpole, esq., of counsel for the incumbent, testified as follows, viz:

Interrogatory 1. Please state your name, residence, and profession.—Answer. A. A. Miner; 528 Columbus avenue, Boston, Mass; am clergyman.

Int. 2. How long have you resided and been a clergyman in Boston?—A. Twenty-nine years May 1 next.

Int. 3. In what ward do you reside?—A. Ward 18.

Int. 4. Will you state whether you voted at the election on November 7 last, and what ticket you voted?—A. I voted the ticket known as the

prohibitory, or republican-prohibitory ticket; for the republican candidates on the national ticket, and the prohibitory candidates on the State ticket. I made only one erasure and substitution on the ticket, and that was substituting Shurtleff's name for Manning's for clerk of criminal court. On that ticket was the name of Walbridge A. Field for Representative to Congress, for whom I voted, and intended to vote. I did not observe the words "fourth district" printed against his name on the ticket. I did not observe the number of the district. My intention was to vote for the republican nominee for Congress in the district in which I lived; of course, did not dream of voting for any one else. I had been out of town the night preceding, and went to the polls directly on reaching home, between nine and ten in the morning, near nine; and as I cast my vote one of the ward-officers remarked, "This is the second vote of this kind that has been thrown," not meaning it was the second vote for Mr. Field, but the second prohibitory vote. At that moment no special attention had been called to anything on the prohibitory ticket. I have at no time heard a single word leading me to think that any one of those votes thrown for Mr. Field was intended for any one else than the republican nominee, or thrown under any other circumstances than my own was thrown. A mistake of the printers led the voters into a mistake.

Int. 5. Please look at Exhibit D, annexed to Mr. Field's answer, and state whether, according to the best of your recollection, the ballot cast by you was the same as that?—A. I believe it to be precisely the same, with the alteration I have described that I made, from Manning to Shurtleff.

Int. 6. State whether you have been, and how long, one of those favoring prohibitory legislation in Massachusetts; what knowledge in general you have of those thinking with you on this subject, and how large a proportion of them, according to your best observation, vote as a rule with the republican or democratic parties?—A. I have been, myself, doing all in my power to secure prohibitory legislation more than thirty years. I entered upon this field of labor when I was pastor in Lowell, Mass. Was there from 1842 to 1848. I have been familiar with all the leading men, the active forces seeking such results, for the whole period down to this time. Previous to the rise of the republican party the prohibitionists were mainly from the whig party, or the old free-soil party. On the rise of the republican party the prohibitionists, from sympathy and principle, affiliated with that party, and for a long period, for many years, the number of democrats supporting the prohibitory cause was comparatively small. That number is somewhat increased now. The ratio of their number to the whole number of prohibitionists is somewhat small. I cannot give it, but it is a small minority.

Int. 7. How long have you resided in ward 18?—A. I have resided where I now do for seven years.

Cross-examination by S. A. B. Abbott, esq., of counsel for contestant.

Cross-int. 1. You had a fair opportunity to examine your ballot before you cast it, did you not?—A. Yes.

Cross-int. 2. Can you state positively whether or not you read the words "fourth district" on that ballot?—A. I cannot.

Cross-int. 3. If you had read them you would not have erased them, would you?—A. I am not able to say how definite my knowledge was, or even now is, of the congressional limits, as bearing on Boston. If I had read them and been aware they did not properly describe the district in which I lived I should have altered them. I was not intending to sham my vote.

Cross-int. 4. Were not the State officers the chief object of interest with those voting the prohibition ticket?—A. They were one of the chief objects of interest; they were by no means careless of the presidential ticket and its associate questions, meaning the Representative to Congress; if they had been, they would have voted the national prohibitory ticket. It was with great grief that we felt compelled by the circumstances of the hour to ignore in the national ticket the prohibitory issue.

Cross-int. 5. You desired to have your vote recorded as you cast it, did you not?—A. I desired to have it recorded as to the ends for which I cast it. I did not desire to have an erroneous vote recorded, nor did I intend to cast an erroneous vote.

A. A. MINER.

Deposition of Hugh O'Brien.

MARCH 30, 1877.

HUGH O'BRIEN, a witness for Walbridge A. Field, the incumbent, being first duly sworn, in answer to interrogatories proposed by J. Lewis Stackpole, esq., of counsel for the incumbent, testified as follows, viz:

Interrogatory 1. Please state your name and residence, and what office, if any, you now hold.—Answer. Hugh O'Brien; Boston, Mass.; I am alderman of city of Boston; I live in the third district.

Int. 2. Did you hold this office in the year 1876?—A. Yes, sir.

Int. 3. Whether, or not, you were duly appointed a member of the committee of the board of aldermen to examine the returns of votes cast at the election of November 7, 1876, and who were the other members of the committee?—A. I was appointed a member of the committee. Aldermen Stebbins and Viles were the other members.

Int. 4. Was the appointment made before or after November 7, the day of the election?—A. The Monday before, I think; am not positive. It must have been the Monday before, because we commenced counting the 10th, which we could not have done unless we had been appointed the Monday before.

Int. 5. State whether you have to-day examined the envelopes or boxes containing the ballots cast in wards 13, 14, 15, 16, 17, 18, 19, 20, 21, and 24 marked by the magistrate from W. W.—A to W. W.—J, inclusive, and where you examined them.—A. I examined those boxes to-day in the vault where they are deposited in the city-hall under the charge of the city clerk.

Int. 6. Was the vault locked, and, if so, who opened it for you?—A. The vault was locked, and was opened by the city clerk.

Int. 7. State whether you found upon the envelopes certificates similar to the one I now show you, W. W.—L¹; whether the signatures upon them purporting to be yours were made by you, and what dates were upon them.—A. I found ten certificates precisely like these, of which five, from wards 13 to 17 inclusive, were of date November 10; wards 18, 19, 20, 21, and 24 were of date November 11. The signatures were mine.

Int. 8. State whether the certificates I now show you, W. W.—M¹ and W. W.—M², were upon the envelopes from wards 13 and 14, and whether the signatures purporting to be yours were made by you.—A. Yes, sir.

Int. 9. State whether the facts stated in the several certificates referred to in your last two answers are true.—A. They are.

Int. 10. What seals were on the envelopes when you saw them to-day,

and in what condition were they?—A. The seals of the city of Boston. I didn't notice any other condition than the condition in which we left them; they were unbroken.

Int. 11. Please state whether or not these envelopes were received by your committee, where, when, and from whom.—A. We received the first five on the evening of November 10, and the other five on the evening of November 11, from the city clerk. We were at the committee-room at the city-hall. Aldermen Stebbins, Viles, and myself, and Peters, the city messenger, were present.

Int. 12. What seals, if any, were upon the envelopes when you received them, and in what condition were the seals?—A. The seals of the ward-officers, and the condition of them were perfect; one seal was a little out of place, broken little by moving the boxes round, not broken so as to indicate opening. I don't know whether that was at this count or the others.

Int. 13. How did the committee proceed to count? State fully and particularly all that was done.—A. After breaking the seal, we generally put as many ballots together of one kind as we could conveniently get at, and then counted in piles of twenty-five each. Alderman Stebbins commenced the count, followed by Viles, and then by myself, and each member of the committee made their count agree. Each member of the committee counted every vote separately, not relying upon each other. If the democratic votes came up first in the box we took those out and counted them, and then took the others out.

Int. 14. Whether you counted the ballots contained in each envelope severally before beginning on any other?—A. We counted the ballots in each box separately, and before commencing on any other that box was sealed up and put away. Before we sealed up the box we made a record of the ballots in it, and the count of all three agreed before we sealed it.

Int. 15. Did you yourself use or make any memoranda in counting?—A. I kept a memorandum of the count. I meant to have looked over my papers for it, but forgot it. I will make search for it, and send it to the magistrate if I find it.

Int. 16. Did you satisfy yourself that you counted all the ballots, and did you look to see whether there were any stickers or pasters in the boxes?—A. I am satisfied that I counted every ballot. I don't remember that any pasters or stickers were in the boxes for Mr. Field or Mr. Dean. I always looked to see.

Int. 17. State whether while the boxes were open for counting for member of Congress in any of the wards any recount was made for State officers, and by whom, and in what wards such recount was made?—A. There was a recount for State officers. I couldn't say what wards. I know that a recount for State officers was made of some few of the boxes by the clerk of committee, the assistant clerk, and the assistant city clerk. I think it was for State senator; Sleeper's district, I think.

Int. 18. Whether or not this recount of ballots for State officers was made before or after the same ballots had been counted by you for member of Congress and the recount recorded by you?—A. Made after.

Int. 19. Please look at papers W. W.—O¹ and W. W.—P¹, and state what they are, and whether the signature to W. W.—O¹, purporting to be yours, was in fact made by you.—A. W. W.—O¹ is the report made by the committee and signed by me. W. W.—P¹, I suppose, is the official return of the count as we found them in the ten wards. Before the return

was put in, I compared my count with this return, and found it was correct.

Int. 20. In whose handwriting is W. W.—P¹?—A. I don't know; am not conversant with it; I suppose it is the city clerk's.

Int. 21. Please compare the figures given of the votes cast for Messrs. Field and Dean in the report signed by you, W. W.—O¹, with the figures given of the totals "official count" for the same gentlemen, W. W.—P¹, and see whether they correspond.—A. They correspond.

Int. 22. Whether or not W. W.—P¹ is the paper referred to in W. W.—O¹ as "the tables hereto annexed"?—A. Yes, certainly.

Int. 23. Please look at Exhibit D annexed to answer of Walbridge A. Field in this case, and say whether you found in any envelope, and, if so, what envelope, ballots of the same form and type; and, if so, how many?—A. The number of ballots of that kind we found was twenty-five—in envelope for ward 18—they were done up separately in the box, and marked by the ward-officers; the wrapper in which they were was marked by somebody, I presume the ward-officers, as twenty-five votes for Walbridge A. Field, fourth district.

Int. 24. Are these twenty-five ballots referred to in your last answer the ballots mentioned in the report of the committee as, for Walbridge A. Field for member of Congress for the fourth district twenty-five ballots?—A. They are the same.

Int. 25. Will you please state to what political parties you yourself and Alderman Stebbins and Alderman Viles belong?—A. Alderman Stebbins I have always known as a republican, and Alderman Viles a democrat as far as I know, and I have always voted democratic except on local elections.

Cross-examination by S. A. B. Abbott, esq., of counsel for the contestant:

Cross-int. 1. Did you carefully examine the seals of the envelopes when you saw them to-day?—A. Yes, I did.

Cross-int. 2. Will you say whether or not any of the envelopes have been opened since sealed by your committee?—A. I should say not.

Cross-int. 3. Couldn't you tell certainly?—A. I don't know that I could say positively; they haven't been under my control, they have been in the hands of the city clerk; so far as my observation goes, they looked precisely as we left them.

Cross-int. 4. Could not all the boxes have been opened since they were sealed by your committee and still you be unable to detect such opening?—A. I think they might; that is, the seal is in the hands of parties at the city-hall; the boxes could be re-opened and resealed by other parties in the same way.

Cross-int. 5. Could the boxes be opened without breaking the seals and you still be unable to detect the fact?—A. I don't think the boxes could be tampered with in that way without breaking the seals; they are wooden boxes, and an incision might be made which would be apparent. I don't think they could be opened so as to get at the ballots without breaking the seals without breaking or injuring the boxes, so that they would show they had been tampered with.

Cross-int. 6. Were there or not loose stickers in the boxes for persons other than those voted for as members of Congress?—A. There were a few loose stickers in the boxes for persons other than members of Congress. I don't remember who the persons were.

Cross-int. 7. Whether or not the office for which the person was voted was in all cases upon the sticker?—A. Never on the sticker that I have

noticed. Stickers contain only the name of the person to be voted for, so far as I know.

Cross-int. 8. Who went with you to-day to the safe containing the envelopes?—A. The city clerk.

Cross-int. 9. For what purposes is that safe used?—A. It is used for the deposit, I should say, of records and other materials belonging to the city clerk's office. I didn't ask the question, but saw books and records there, and suppose it was the safe belonging to his office.

Cross-int. 10. Please describe what sort of a safe it is and where it is.—A. It is on the lower floor of city-hall, the basement, adjoining the office of the board of health; you enter it after opening two iron doors, but when you get inside it's a well-lighted apartment; there is a barred window which lights it up. I asked if it was entirely fire-proof and a good place to deposit records; the city clerk answered the question by saying it was immediately under the vault of the treasurer's office.

X-int. 11. How frequently have you counted ballots previously to the time in question?—A. My only experience has been my two years' experience on the board of aldermen. I have been two years on that committee.

Cross-int. 12. In your previous counts did you or not find many stickers in the boxes?—A. Well, there were always a few stickers to be found in the boxes—as a general thing I should say, not always. These stickers are sometimes put on carelessly and I have known sometimes in counting the votes it would remove a sticker or so.

Direct examination resumed:

Redirect int. 26. Were there any detached stickers or pasters with the name of Mr. Field or Mr. Dean upon them?—A. I don't remember that there were any.

Adjourned to 10 a. m. March 31.

MARCH 31—10 A. M.

Examination being resumed, witness says: I have made search for the memorandum inquired for in interrogatory 15 and now produce eight pieces of paper, which is all I am able to find of that memorandum. It was originally made on whole sheets of paper, and part of it was lost or destroyed, having been treated as waste paper. (The same are marked for identification "W. W.—R¹" to "W. W.—R⁸," inclusive, to be annexed hereafter if either counsel may desire. The same was subsequently as above, at request of counsel for contestant.)

Cross-examination resumed:

Cross-int. 13. What is meant by the word "blanks" which appears on your memorandum of the count?—A. In every ballot there were more or less votes where the name for Representative to Congress was scratched out with a pen or pencil, or sometimes cut out, and no other name substituted.

Cross-int. 14. Will you state as nearly as you can the number of those blanks which you found, and the wards in which you found them?—A. In ward 20 I should say—blanks, five; in ward 21, nine; in ward 24, two; in ward 13, four; ward 14, five; ward 16, eight; in ward 17, (presumed to be 17,) four. That's all I can tell from my memoranda.

Cross-int. 15. How many of these blanks were cut, as well as you can recollect?—A. Very few, so far as my recollection goes; my impression is a large portion was marked with a pencil; in fact, that is the convenient way of altering ballots at the ward-room.

Cross-int. 16. Who drew up the report made by your committee to the

board of aldermen?—A. The chairman of the committee, I presume, assisted by the city clerk.

Cross-int. 17. What discussion was had in your committee with reference to the part of the report which refers to the intention of the voters who cast the twenty-five ballots for Walbridge A. Field for member of Congress, fourth district?—A. When the count was drawing to a close—I believe, in fact, we had two more boxes to count, the vote ran so close, sometimes Dean ahead and sometimes Field, and very uncertain how it would turn out—the question was raised, what shall we do with the twenty-five votes cast in ward 18 for Walbridge A. Field, fourth district? Alderman Stebbins, the chairman of the committee, had been consulting some authorities on the subject, had books relating to contested elections at hand, and he was of opinion that the votes ought to be counted for Mr. Field. I replied, stated, in fact, that there appeared to me a legal question in the matter that I was not capable of solving, and if we could have the city solicitor there, after ascertaining his opinion in relation to it, I would decide without hesitation. The city solicitor was sent for. I should judge it was in the neighborhood of 9 o'clock at night, and the city solicitor arrived about 9. He was asked the question. I don't know exactly how it was put to him. I think Alderman Stebbins, the chairman, asked him, or at least told him, we sent to him to ascertain what we were to do with those twenty-five votes, or a question similar to that, and the alderman had some authorities there which he wished him to see on the subject of contested elections. After more or less conversation about the matter, the details of which I do not remember, the city solicitor decided that we could not count those votes for Walbridge A. Field, of the third district. The solicitor's principal point was that a ballot could not contradict itself, and that twenty-five votes polled for Walbridge A. Field, of the fourth congressional district, could not be counted for Walbridge A. Field, of the third congressional district. Upon obtaining that advice the committee agreed to report the matter precisely as they found it in the ballot-boxes: so many votes for Benjamin Dean, third congressional district, so many for Walbridge A. Field, third congressional district, and so many for Walbridge A. Field, fourth congressional district. I believe that is a brief statement of the conversation, &c. It occupied nearly an hour.

Cross-int. 18. How came the clause relating to the intention of the persons casting those twenty-five votes to be inserted in your report?—A. How it came to be inserted in the report—I can give you the circumstances. On Monday, the day of the meeting of the board of aldermen, between 12 and 1 o'clock—I should say near 1—the committee met in the clerk's office to sign and indorse the report. On reading the report, I found that it wasn't precisely made out as the committee, or at least as one of the committee, that is myself, thought it should be made out, and on speaking to Alderman Viles on the subject he agreed with me. The twenty-five votes, instead of being put down as a separate item, was added to the count of Walbridge A. Field, and a memorandum made that his count included these twenty-five votes. It was then agreed to make that alteration which corresponds with the report submitted, and that was then signed. This matter occupied but a very few minutes in fact, and in correcting the vote the wording of the report was overlooked. In speaking for myself, I certainly think that it wasn't in my province to judge of the intention of a voter; the duty of the committee, I believe, was to state the facts merely, as they found them.

Cross-int. 19. Did your committee ever make a certificate that the

ward returns were erroneous, or sign any other paper relating to the matter in question other than your report?—A. I am not aware of signing any other paper. We signed the city clerk's books for the entire count of everything, State officers and all, I suppose. The city clerk has a record, and of course the committee of the board of aldermen signed that.

Cross-int. 20. Did you sign the record of the city clerk before or after it was made?—A. After the record was made. I find in this case a paper marked "W. W.—B.," which is a copy of a paper signed by me as an alderman of the city of Boston verifying the action of the board.

Cross-int. 21. Did your committee ever state there was any error made by the ward officers of ward 18 in their returns regarding the twenty-five votes last referred to?—A. The only statement made was in our report, that I am aware of; the ward officers returned those twenty-five votes precisely as the committee did.

Cross-int. 22. Did not the majority of your committee maintain that there was no error in the ward 18 returns in regard to those twenty-five votes?—A. Certainly there was no error in relation to those votes; we found them counted separately by the ward officers, just as we did; they appeared to have the same doubts about their legality that we did.

Cross-int. 23. Did your committee ever prove that the ward returns were erroneous in any respect, and was not the only thing discovered by the committee and tending to prove an error in those returns the fact that your recount did not agree with the ward returns?—A. We made a very careful count of the votes cast in all the wards, and so far as they differed from the returns of the ward officers I am of opinion that our count was the correct one. The fact that they did not agree explains the difference, of course, and constitutes the error.

Cross-int. 24. Did any fact appear before your committee which showed that the ward officers did not do their duty in every respect on the day of the election?—A. I should say that no fact appeared to our committee that the ward officers did not do their duty in every respect. Mistakes are liable to occur, of course, and they were glad that their count didn't agree with ours; didn't show that they were negligent in their duty, as I understand it.

Cross-int. 25. Did your committee discover any instance of a mistake being made by the ward officers?—A. Wherever their count did not agree with ours, there must have been a mistake on their part or on ours, and I presume the mistake must have been on theirs.

Cross-int. 26. Couldn't it very well be that neither of you made a mistake, for all your committee knew?—A. It might possibly be so; that is, I don't know all the circumstances attending the delivery of the boxes, as there was an interval of three days between their count and ours; what took place in those days our committee couldn't know.

Cross-int. 27. Might not the ballots have become changed by accident, or mistake in packing, or otherwise, after the ward count had been made?—A. I should say it isn't impossible, but I never was in a ward-room or acted as a ward officer, and have no knowledge how carefully they do their work.

Cross-int. 28. The only fact discovered by your committee, then, was that your count did not agree with the ward returns, and that was the only point to which your attention was directed, was it not?—A. That was the only point.

Cross-int. 29. Was not the only action had by your committee to report to the board of aldermen that the recount did not tally with the

ward returns?—A. That was the only action, and also how they differed. We had to show our returns and compare them with theirs.

Cross-int. 30. Did your committee ever make any certificate to the city clerk stating that the ward returns were erroneous?—A. I should say no; we merely returned our count, without stating that the ward returns were erroneous, or, I should say, we merely made our return to the board of aldermen as appears by the report, which shows a comparison made with the returns of the ward officers.

Cross-int. 31. Did the board of aldermen, to your knowledge, ever send any certificate to the city clerk stating that the ward returns were erroneous?—A. Not to my knowledge.

Cross-int. 32. The only action of the board of aldermen was to order the city clerk to send to the governor and council the certificate which appears in W. W.—R., was it not?—A. That is all.

Cross-int. 33. Was it not claimed before the board of aldermen, by counsel on behalf of Mr. Dean, that the board of aldermen had no authority to make the order above referred to?—A. It was so claimed.

Cross-int. 34. Was it not claimed before the board of aldermen that if the certificate was made in the form adopted in said order, the governor and council could have no opportunity to pass upon the question for whom the twenty-five votes mentioned in said order were cast?—A. It was so claimed.

Cross-int. 35. Was not the proposition made by counsel for Mr. Dean before the board of aldermen, and before the said order was passed, that if the twenty-five votes should be certified to the governor and council in the form in which they were returned by the ward officers, Mr. Dean would unite with Mr. Field in a request to the governor and council to take the opinion of the supreme court as to whether the said twenty-five votes should be counted for Mr. Field, and that Mr. Dean would abide by the result of such opinion?—A. It was.

Cross-int. 36. Did your committee ever take any evidence in order to discover whether the ward officers had made any error in their returns?—A. Never.

Direct examination again resumed:

Int. 27. Will you please state what, according to your understanding, is the difference in regard to the twenty-five ballots in question, between the return made by your committee to the board of aldermen under Mr. Healy's advice and the return made by the board of aldermen to the secretary of state, without referring to the documents?—A. The difference, as I understand it, is that the committee made a separate item of the twenty-five votes, without adding them to the return for Mr. Field. The board of aldermen added them to the return for Mr. Field, with an explanatory note that the twenty-five votes were cast for Mr. Field, fourth district.

Int. 28. Did not the return made to the secretary of state truly state the fact as to the twenty-five votes cast for Mr. Field, bearing upon them the words "fourth district?"—A. The explanation stated the fact, yes.

Int. 29. Please examine the committee's return of votes and state the number of votes you found and counted for Mr. Dean in ward 14.—A. Eleven hundred.

Int. 30. Please examine the ward-return of votes annexed to your report, and state the number of votes which they counted and returned for Mr. Dean in that ward.—A. Ten hundred and seventy-five.

Int. 31. Have you any doubt that the envelope of votes for that ward,

when opened and counted by your committee, contained twenty-five more votes for Mr. Dean than were returned for him by the ward officers of that ward?—A. I have no doubt of it. The committee were very careful in their count, and it was a matter of surprise to them that a mistake of that kind occurred, though if they count in packages of twenty-five, as we do, the mistake might occur; but it is easily corrected if it does so occur. It would not be easily corrected if only one man counted, but if three counted it is scarcely possible such a mistake could occur.

Int. 32. Have you any more doubt as to any of the other discrepancies which you discovered than you have as to those twenty-five votes?—A. I have none.

Int. 33. What has been your experience in recounting votes cast at elections in Boston?—A. My experience has been two years as one of the committee of the board of aldermen; the first year we had some half-dozen counts, some very prolonged ones—from the afternoon until four o'clock in the morning sometimes. I couldn't say exactly the number of times, perhaps four or five times last year and four or five times the year before—in each case for several officers.

Int. 34. What has been your experience generally as to the agreement or disagreement between the votes as counted by the ward officers and as recounted by the committee of the aldermen?—A. My experience has been that they very seldom agree.

Int. 35. As a matter of experience and judgment, which do you consider correct in case of difference?—A. I think the correctness, if the ballots haven't been tampered with, is in the count of the board of aldermen.

Int. 36. Have you any suspicion or reason for suspicion that in the case of the election of November 7, 1876, the envelopes or ballots were in any way tampered with before they were recounted by your committee?—A. None whatever.

Int. 37. Did you ever hear a suggestion of any such suspicion?—A. Never.

Int. 38. After Mr. Stebbins's first draught of his report for your committee was disagreed to by you and Mr. Miles it became necessary to draw up a new report, did it not?—A. It became necessary, I presume, to merely alter a certain portion of the old report. The city clerk remarked that he would draw a line through a portion of it and make it correspond with the intention of the committee.

Int. 39. Was not an entirely new and fresh copy of the report drawn up and signed?—A. We only signed one report; it was left in the hands of the city clerk to act under instructions. I don't know whether he drew a new one or altered the old one. I presume a new one was drawn—it is W. W.—O¹.

Int. 40. Did you not read it before signing it?—A. I did.

Int. 41. Was any United States supervisor present at the recount made by you November 10th and 11th? Have you ever known such officer present at any recount?—A. No such officer was present, and I have never known such an officer to be present.

Int. 42. State, if you know, whether either candidate for Congress in the third district knew before the recount or during the recount that it was to be made, or was being made.—A. I am not aware that they did; they both knew that it was to take place, but I am not aware that either knew the precise time it was to take place; I am not aware of their knowing it was being made.

Int. 43. Had you not some discussion as to informing Mr. Dean of the result of the recount after it was over, and was he informed of it, and

how?—A. As I remember it, the first intention of the committee was to keep it private, not to say anything about it until the report was made to the board; then it was suggested, I think by myself, that it would be too bad to keep two gentlemen in a state of suspense, and there was an understanding between Stebbins and myself that he might communicate with Mr. Field, and I would endeavor to communicate with Mr. Dean. Mr. Toland was waiting there while this count was going on; I found him there when I went out, and I told him if he saw Mr. Dean he might communicate it to him. Mr. Toland did not say he was requested to be there by Mr. Dean or that he represented him; he is the democratic councillor from Mr. Dean's district.

Int. 44. Was any request ever made, to your knowledge, that a United States supervisor should be present at the recount?—A. No request.

Cross-examination again resumed:

Recross 37. How many votes were added to Mr. Field's count in ward 14 by the recount of the committee?—A. Eleven votes.

Recross 38. Was it not a matter of great surprise to you and Mr. Viles that Mr. Stebbins offered the resolve which appears in Exhibit W. W.—R?—A. It was a matter of surprise, certainly, to me, and I think to Alderman Viles; and I expressed myself so to Alderman Stebbins, that I thought after we had agreed upon a report that he would have said something about an order which appeared to me to contradict the intent and meaning of the report. What led me to make that remark was that the order was made up in the same style as the original report that we objected to. I would also say, in explanation, that Alderman Stebbins disclaimed any intention of making the committee responsible for that order, and he stated to the board that he made it upon his own responsibility.

HUGH O'BRIEN.

Deposition of Seth Whittier.

APRIL 3, 1877.

SETH WHITTIER, a witness for Walbridge A. Field, the incumbent, being first duly sworn, in answer to interrogatories proposed by J. L. Stackpole, esq., of counsel for the incumbent, testified as follows, viz:

Interrogatory 1. State your name, age, residence, and occupation.—Answer. Seth Whittier; sixty-six; No. 6 James street, ward 18, Boston; real-estate agent and dealer.

Int. 2. Were you a candidate for any office at the election held November 7, 1876? If so, for what office and on what ticket?—A. No, sir.

Int. 3. Did you take any part in distributing the prohibitory ballots in ward 18? If so, state what you did in this respect. Please look at paper "D" annexed to answer, and say if you recognize this as the same in type and form as those ballots.—A. I went up to the polls about ten o'clock for the purpose of distributing the prohibitory [ballots.] I distributed them about an hour, when I was called away. I looked over the republican ticket, and intended to vote the republican ticket with the exception of Mr. Baker instead of Mr. Rice. After I examined the ticket and found it was what I wanted I voted, and then distributed tickets until I was called away. Paper "D" looks like the same ticket I distributed and voted, and no doubt is the same one.

Int. 4. Were you aware at the time you voted that the ballot you voted contained after the words "Representative to Congress" the

words "fourth district"?—A. I was not; didn't know it until next day, in fact, as I left there in an hour.

Int. 5. Whether in casting in your ballot you intended to vote for Representative to Congress from the third or from the fourth district, and for whom?—A. I intended to vote for Mr. Field from the third district, and supposed I was.

Int. 6. Whether, so far as you know, the other voters casting that ballot intended the same?—A. As far as I know, they did.

Cross-examination waived.

SETH WHITTIER.

Deposition of James B. Berry.

APRIL 3, 1877.

JAMES B. BERRY, a witness for Walbridge A. Field, the incumbent, being first duly sworn, in answer to interrogatories proposed by J. L. Stackpole, esq., of counsel for incumbent, testified as follows, viz :

Interrogatory 1. State your name, age, residence, and occupation.—Answer. James B. Berry; age, fifty-seven; residence, 105 Springfield street, ward 18, Boston; piano-forte maker.

Int. 2. Were you a candidate for any office at the election held November 7, 1876; if so, for what office and on what ticket?—A. I was, for representative to general court, on republican prohibitory ticket.

Int. 3. Did you take any part in distributing the prohibitory ballots in ward 18? If so, state what you did in this respect. Please look at paper D annexed to answer, and say if you recognize this as the same in type and form as those ballots.—A. I went there about one to distribute those ballots, and distributed them; voted first at about one o'clock, and then distributed. Paper D referred to is the one I voted and distributed. We had some democratic prohibitory tickets, but this is the principal one I held.

Int. 4. Were you aware at the time you voted that the ballot you voted contained, after the words "Representative to Congress," the words "fourth district"?—A. I didn't notice that, but after I voted my attention was called to it.

Int. 5. Did you distribute any ballots with those words after your attention was called to them?—A. No; I crossed out the district, the words "fourth district," on those I distributed after that.

Int. 6. Until your attention was so called were any voters to whom you distributed these ballots, and who voted the same, so far as you know, aware that these ballots contained these words, "fourth district"?—A. No, they were not.

Int. 7. Whether in casting in your ballot you intended to vote for Representative for Congress from the third or from the fourth district, and for whom?—A. I intended to vote for Mr. Field, from the third district.

Int. 8. Whether, so far as you know, the other voters casting that ballot intended the same?—A. I think they did, but I won't say positive about it; those that I personally knew intended to vote for Field.

Cross-examination by S. A. B. Abbott, esq., of counsel for contestant:

Cross-int. 1. Did you or not intend that your ballot should be counted as you cast it?—A. I intended to vote for Mr. Field, of the third district, and if my ballot said the fourth I didn't intend to vote for the fourth but the third; all the other names were right, I believe.

Cross-int. 2. Did you read your ballot before you cast it?—A. I looked it over, but I didn't notice the error about the district; I saw the names were all right.

Cross-int. 3. Did you see the words "fourth district" upon the ballot you cast?—A. I didn't notice that, sir, particularly; I didn't notice it until my attention was called afterwards.

Cross-int. 4. Did you see your ballot after you had cast it?—A. No, sir.

JAMES B. BERRY.

Deposition of Alden Avery.

APRIL 3, 1877.

ALDEN AVERY, a witness for Walbridge A. Field, the incumbent, being first duly sworn, in answer to interrogatories proposed by J. L. Stackpole, esq., of counsel for the incumbent, testified as follows, viz:

Interrogatory 1. Please state your name, occupation, and residence.—Answer. Alden Avery, builder; residence, 19 Chester Park, ward 18, Boston, Mass.; have resided there twenty years or more.

Int. 2. Were you candidate for State senator in the sixth Suffolk district, of the prohibitory party, and on the prohibitory ticket, at the election of November 7, 1876?—A. I was.

Int. 3. Did you take any part in distributing the prohibitory ballots in ward 18? If so, state what you did in this respect. Please look at paper D, annexed to the answer, and say if you recognize this as the same in type and form as those ballots.—A. I procured the ballots from headquarters, 408 Washington street, two thousand of the republican and five hundred of the democratic, supposing we should not need as many democratic tickets, it being a strong republican ward; carried them to my house, and the next morning carried them to the polls and distributed them nearly all day. Paper D annexed to the answer is one of the republican prohibitory tickets that I circulated. Exhibit W. W.—D⁹, hereto annexed, is one of the democratic prohibitory tickets. I had a young man whom I hired also for the purpose. I saw Mr. Berry and Mr. Horton distributing the same ballots, which they obtained from me.

Int. 4. What ticket did you vote yourself?—A. The republican prohibitory, like paper D shown me.

Int. 5. About what time you voted?—A. I voted early, before 8, or at any rate early, a few minutes after the polls opened.

Int. 6. Were you aware at the time you voted that the ballot you voted contained, after the words "Representative to Congress," the words "fourth district"?—A. I was not.

Int. 7. Were you aware, while distributing, that any ballots you distributed contained those words "fourth district"?—A. Not until my attention was called to it by Mr. Dickinson; that was past noon, I don't remember precisely when; I know by the amount of tickets distributed.

Int. 8. Until your attention was so called were any voters to whom you distributed those ballots, and who voted the same, so far as you know, aware that those ballots contained those words "fourth district"?—A. Not that I know of.

Int. 9. What was done when you discovered the error?—A. We immediately went to correcting the error, and erased "fourth district"—Mr. Dickinson and I—not only those I had, but those in the hands of the other distributors.

Int. 10. Whether in casting your ballot you intended to vote for Rep-

representative to Congress from the third or from the fourth district, and for whom?—A. From the third district, Walbridge A. Field.

Int. 11. Whether, so far as you know, the other voters casting that ballot intended the same?—A. I suppose they did; have no doubt they did.

Cross-examination by S. A. B. Abbott, esq., of counsel for contestant:

Cross-int. 1. Do you know of any error having been made by the ward officers of ward 18, on the day of election, November 7, 1876?—

A. I don't recollect now of any; perhaps my mind might be refreshed of some error. I know of their error in declaring those votes for Mr. Dean; I don't know whether that was an error or not.

Cross-int. 2. To what votes do you refer?—A. The twenty-five votes, thereby electing him; that is, throwing those votes out, thereby electing him by throwing out those votes. I think that was an error.

Cross-int. 3. How many of those votes were cast before you discovered your error?—A. About twenty-five of them I think were cast before it was discovered; some forty were cast in all, so it was reported. I don't think any of those votes were cast after it was discovered.

Cross-int. 4. How soon after the election did you know how many of those votes had been cast?—A. I didn't know until the returns showed.

Cross-int. 5. Did you know of those returns until the next morning?—A. I did not.

Cross-int. 6. Did you see them first in the morning papers?—A. I think so. I think that's the first I saw or knew of them; didn't sit up that night very late to learn the result.

Cross-int. 7. What did you learn from the morning papers as to the prohibitory ballots?—A. That they had thrown about forty-odd votes in our ward, varying some between the different candidates, and that twenty-five had been thrown for Mr. Field, of the fourth district. I knew of the error, and think, though I won't be sure, that I knew of the effect of those votes by seeing the morning papers.

ALDEN AVERY.

Deposition of Edward M. Wescott.

APRIL 4, 1877.

EDWARD M. WESCOTT, a witness for Walbridge A. Field, the incumbent, being first duly sworn, in answer to interrogatories proposed by J. Lewis Stackpole, esq., of counsel for the incumbent, testified as follows, viz:

Interrogatory 1. State your name, age, residence, and occupation?—Answer. Edward M. Wescott; thirty-seven; Boston, Mass.; ward 13; salesman.

Int. 2. Were you acting as inspector of ward 13, at the election of November 7, 1876?—A. I was.

Int. 3. State whether you have this day examined in the vault of the city clerk the box or envelope from ward 13, marked "W. W. A," and the certificate upon it; whether paper W. W. K¹ is a copy of this certificate; whether the facts stated in this certificate are true, and whether the signatures thereon of the ward officers are genuine.—A. I didn't sign the certificate on the box, as there wasn't room; the clerk said it was no consequence about my signing. I witnessed the other signatures. As to the other questions, I answer, yes, to the best of my knowledge and belief.

Int. 4. Whether all the ballots which were given in said ward at the election held November 7, 1876, by the qualified voters of said ward, after the said ballots were sorted, counted, declared, and recorded, were secured in this envelope in open ward meeting?—A. Yes, sir.

Int. 5. Whether said box or envelope was sealed, and by whom, in whose presence, and with what seal, and to whom it was delivered so sealed?—A. By the clerk, Mr. McGue, in presence of the constable and a number of the inspectors; I was there myself; with the seal of the ward; it was delivered to the constable, Mr. Clark.

Int. 6. In whose custody was the seal retained, and to what time?—A. In the custody of the clerk, McGue; he kept it in his drawer in his desk. He remains clerk of the ward, still.

Int. 7. State who acted as United States supervisors in said ward at said election.—A. Frank Hanscom and John McNamara.

Int. 8. State whether said supervisors personally scrutinized, canvassed, and counted all the ballots for Representative to Congress cast in said ward at said election.—A. I didn't notice McNamara scrutinizing them very carefully. I noticed Mr. Hanscom was attending to business pretty carefully. McNamara was there, though.

Cross-examination by S. A. B. Abbott, esq.:

Cross-int. 1. Of what political party was Mr. Hanscom?—A. Republican.

EDWARD M. WESCOTT.

Deposition of Nicholas W. McGue.

APRIL 5, 1877.

NICHOLAS W. MCGUE, a witness for Walbridge A. Field, the incumbent, being first duly sworn, in answer to interrogatories proposed by J. Lewis Stackpole, esq., of counsel for the incumbent, testified as follows:

Interrogatory 1. State your name, age, residence, and occupation.—Answer. Nicholas W. McGue; thirty; South Boston, Mass., ward 13; grocer.

Int. 2. Were you acting as clerk of ward 13 at the election of November 7, 1876?—A. I was.

Int. 3. State whether you have this day examined, in the vault of the city clerk, the box or envelope from ward 13, marked W. W.—A., and the certificate upon it; whether paper W. W.—K¹. is a copy of this certificate; whether the facts stated in this certificate are true, and whether the signatures thereon of yourself and the other ward officers are genuine.—A. I should say yes to all the inquiries, to the best of my belief.

Int. 4. Whether all the ballots which were given in said ward, at the election held November 7, 1876, by the qualified voters of said ward, after said ballots were sorted, counted, declared, and recorded, were secured in this envelope in open ward meeting?—A. They were.

Int. 5. Whether said box or envelope was sealed, and by whom, in whose presence, and with what seal, and to whom was it delivered?—A. It was, by myself, in presence of the constable, the wardens, and several of the inspectors, with the seal of ward 13; it was delivered to the constable.

Int. 6. In whose custody was the seal retained, and to what time?—A. In mine, until this moment.

Int. 7. State who acted as United States supervisors in said ward, at said election.—A. J. J. McNamara and Frank Hanscom.

Int. 8. State whether said supervisors personally scrutinized, canvassed, and counted all the ballots for Representative to Congress, cast in said ward at said election.—A. I couldn't say they counted all of them; they helped count some of them; they supervised things generally, and kept an eye on the boxes. Mr. Hanscom counted a great majority of them with myself. I overlooked all that he counted.

Cross-examination waived.

NICHOLAS W. MCGUE.

Deposition of Frank W. Goodwin.

APRIL 4, 1877.

FRANK W. GOODWIN, a witness for Walbridge A. Field, the incumbent, being first duly sworn, in answer to interrogatories proposed by J. Lewis Stackpole, esq., of counsel for incumbent, testified as follows, viz :

Interrogatory 1. State your name, age, residence, and occupation.—A. Frank W. Goodwin; age, thirty-six; 137 K, South Boston; clerk.

Int. 2. Were you acting as clerk of ward 14, at the election of November 7, 1876?—A. I was.

Int. 3. State whether you have this day examined, in the vault of the city clerk, the box or envelope from ward 14, marked W. W.—B., and the certificate upon it; whether paper W. W.—K². is a copy of this certificate; whether the facts stated in this certificate are true, and whether the signatures thereon of yourself and the other ward officers are genuine.—A. I have. W. W.—K². is a copy; the facts stated were true; the signatures were genuine.

Int. 4. Whether all the ballots which were given in said ward, at the election held November 7, 1876, by the qualified voters of said ward, after the said ballots were sorted, counted, declared, and recorded, were secured in this envelope in open ward meeting.—A. They were.

Int. 5. Whether said box or envelope was sealed, and by whom, in whose presence, and with what seal, and to whom was it delivered so sealed?—A. It was sealed by myself, assisted by one of the inspectors, in presence of the warden and inspectors and other officers there, with the seal bearing inscription "City of Boston, ward 14," the ward seal; it was delivered to F. J. Baxter, the constable.

Int. 6. In whose custody was the seal retained, and to what time?—A. In mine, until the next ward meeting in December, the city election; I then ceased to be clerk and gave it to my successor.

Int. 7. State who acted as United States supervisors in said ward at said election.—A. I can't give you the names. I see by the paper shown me they were William S. Crosby and Patrick F. Reddy, and I now remember them.

Int. 8. State whether said supervisors personally scrutinized, canvassed, and counted all the ballots for Representative to Congress cast in said ward at said election.—A. They were very particular to do so. I think Mr. Reddy counted every ballot cast. I remember it very distinctly, because he was of different politics from me, and was very particular to have them carefully counted, especially for Representative to Congress.

Cross-examination waived.

FRANK W. GOODWIN.

Deposition of Alban S. Green.

APRIL 3, 1877.

ALBAN S. GREEN, a witness for Walbridge A. Field, the incumbent, being first duly sworn, in answer to interrogatories proposed by J. Lewis Stackpole, esq., of counsel for the incumbent, testified as follows:

Interrogatory 1. State your name, age, residence, and occupation?—Answer. Alban S. Green; age, thirty-six; residence, South Boston, Mass.; clerk at city-hall.

Int. 2. Were you acting as clerk of ward 15 at the election of November 7, 1876?—A. I was.

Int. 3. State whether you have this day examined, in the vault of the city clerk, the box or envelope from ward 15, marked W. W.—C. and the certificate upon it; whether paper marked W. W.—K³. is a copy of this certificate; whether the facts stated in this certificate are true, and whether the signatures thereon of yourself and the other ward officers are genuine?—A. I have examined them at such place. W. W.—K³. is, I believe, a copy of the certificate; the facts therein stated are true; my signature is genuine, and I have no doubt the others were.

Int. 4. Whether all the ballots which were given in said ward at the election held November 7, 1876, by the qualified voters of said ward, after said ballots were sorted, counted, declared, and recorded, were secured in this envelope in open ward meeting?—A. They were.

Int. 5. Whether said box or envelope was sealed, and by whom, in whose presence, and with what seal, and to whom it was delivered so sealed?—A. It was sealed by myself, in the presence of the warden, inspectors, and supervisors, with the ward seal of ward 15, having on it "City of Boston, ward 15;" it was delivered to the constable waiting to take it.

Int. 6. In whose custody was the seal retained, and to what time?—A. In mine, to the present time.

Int. 7. State who acted as United States supervisors in said ward at said election.—A. I couldn't give their given names; there were two; one was a Mr. Osgood, I think; the other was McCarty. I work in the same room with him; have forgotten his first name.

Int. 8. State whether said supervisors personally scrutinized, canvassed, and counted all the ballots for Representative to Congress cast in said ward at said election?—A. They did personally scrutinize the counting, but did not count all the ballots; they did not scrutinize every ballot.

Cross-examination waived.

ALBAN S. GREEN.

Deposition of Charles B. Hunting.

APRIL 5, 1877.

CHARLES B. HUNTING, a witness for Walbridge A. Field, the incumbent, being first duly sworn, in answer to interrogatories proposed by J. Lewis Stackpole, esq., of counsel for the incumbent, testified as follows, viz:

Interrogatory 1. State your name, age, residence, and occupation.—Answer. Charles B. Hunting; forty-one; Boston, Mass.; ward 16; clothing dealer.

Int. 2. Were you acting as clerk of ward 16 at the election of November 7, 1876?—A. Yes, sir.

Int. 3. State whether you have examined this day in the vault of the city clerk the box or envelope from ward 16, marked "W. W.—D," and the certificate upon it; whether paper W. W.—K⁴ is a copy of this certificate; whether the facts stated in this certificate are true; and whether the signatures thereon of yourself and the other ward officers are genuine.—A. Yes, to all the inquiries.

Int. 4. Whether all the ballots which were given in said ward, at the election held November 7, 1876, by the qualified voters of said ward, after the said ballots were sorted, counted, declared, and recorded, were secured in this envelope in open ward meeting?—A. Yes, sir.

Int. 5. Whether said box or envelope was sealed, and by whom, in whose presence, with what seal, and to whom it was delivered so sealed?—A. I sealed it in presence of the warden, and the inspectors, Smith and Denham; I suppose all the ward officers were there; with the ward-seal of ward 16; we delivered it to the constable.

Int. 6. In whose custody was the seal retained, and to what time?—A. It has been in my possession ever since.

Int. 7. State who acted as United States supervisors in said ward at said election.—A. John F. Dally and Abraham J. Lamb.

Int. 8. State whether said supervisors personally scrutinized, canvassed, and counted the ballots for Representative to Congress cast in said ward at said election.—A. They counted them; can't tell how carefully they scrutinized them.

Cross-examination by S. A. B. Abbott, esq., of counsel for contestant:

Cross-int. 1. What was done with the ballots from time to time during the day, after they were counted?—A. They were laid upon the table.

Cross-int. 2. When were they first put into the envelope?—A. In the afternoon; not all of them; we would roll them up in hundreds, and in the afternoon we rolled up some of the piles together, to get them out of the way, put a string round them, and put them in the box which sat behind the table; in the original box that was sent up for that purpose; same box they are in now. Dr. Weakerbee, the warden, and I, sat together at the table, and had charge of the ballots. I can't tell exactly whether they were laid on the window-sill or in the box which sat there with cover open; the window-sill and box were behind us, and the table in front of us, and part of the votes tied up in hundreds were put on the window-sill, the window being closed, after they had been counted.

Cross-int. 3. Who rolled the ballots up in hundreds?—A. I tied them up, and three or four counted them, and they would mark their names on the back of them, certifying they were correct.

Cross-int. 4. You have stated, in answer to interrogatory 3, that the facts stated in your certificate were true; do you mean by that to say anything more than that you supposed the facts were true at the time you made the certificate, and that you put into the box what you supposed were all the ballots cast in ward 16?—A. No, only what I supposed to be true at the time.

Cross-int. 5. All you mean to say then, is, that you put into the box the ballots you found at the end of the day, in the place where you had from time to time put the ballots which had been counted?—A. Yes, sir.

Direct examination resumed:

Redirect int. 9. Have you any reason to doubt the truth of the certificate signed by you, and testified to in answer to the third interrogatory?—A. No, sir.

Cross-examination resumed :

Recross-int. 6. You counted all the ballots in your ward as carefully as possible, did you not?—A. Yes, sir.

Recross-int. 7. Did you not believe, after the count was finished that the returns made by you to the city hall represented the true number of ballots cast in your ward, for Mr. Dean and Mr. Field, respectively?—A. I did.

Recross-int. 8. Don't you now believe the count made by you is the true count of the votes cast for Mr. Dean and Mr. Field, respectively?—A. I believed it then, and believe it now.

Recross int. 9. If it should turn out that there was a material difference between your count and the count of the ballots found in the envelope, would you not believe that that difference was due to some change of the ballots after you had counted them?—A. I couldn't say that.

Direct examination again resumed :

Redirect int. 10. Did you not sometimes, in recounting the ballots find that there had been a miscount in the first counting, by some of the ward officers?—A. Not that I recollect.

Redirect int. 11. Did you not find some cases where scratched or altered ballots had been placed among the "straight" tickets, and counted as such?—A. There might have been one or two instances, but they were corrected there before the final count.

Redirect int. 12. To what political party do you belong?—A. Democratic.

CHARLES B. HUNTING.

Deposition of Benjamin Kimball.

APRIL 4, 1877.

BENJAMIN KIMBALL, a witness for Walbridge A. Field, the incumbent, being first duly sworn, in answer to interrogatories proposed by J. Lewis Stackpole, esq., of counsel for incumbent, testified as follows, viz :

Interrogatory 1. State your name, age, residence, and occupation.—Answer. Benjamin Kimball; twenty-seven; 21 Upton street, Boston, ward 17; attorney-at-law.

Int. 2. Were you acting as clerk of ward 17 at the election of November 7, 1876?—A. I was.

Int. 3. State whether you have this day examined, in the vault of the city clerk, the box or envelope from ward 17 marked "W. W.—E" and the certificate upon it; whether paper W. W.—K⁵ is a copy of this certificate; whether the facts stated in this certificate are true, and whether the signatures thereon of yourself and the other ward officers are genuine.—A. I did examine such a box at that place; W. W.—K⁵, to the best of my belief, is a copy of the certificate, and such certificate bears my signature and the signatures of the other ward officers, which I believe to be genuine; and the facts stated in that certificate are true.

Int. 4. Whether all the ballots which were given in said ward at the election held November 7, 1876, by the qualified voters of said ward, after the said ballots were sorted, counted, declared, and recorded were secured in this envelope in open ward meeting?—A. They were.

Int. 5. Whether said box or envelope was sealed, and by whom, in

whose presence, and with what seal, and to whom was it delivered so sealed?—A. It was sealed by one of the inspectors in the presence of the warden pro tempore, the inspectors and myself, all of whom waited to see the sealing of the box with the official seal of ward 17, bearing upon it the words "City of Boston, ward 17," and was delivered to the constable in waiting to convey it to the city hall.

Int. 6. In whose custody was the seal retained, and to what time?—

A. The seal was retained in my custody, and has been in my custody to the present time, and is now.

Int. 7. State who acted as United States supervisors in said ward at said election.—A. I do not remember; it is possible my record may state that; there were certain persons came with certificates, I think, from the marshal. The names being here shown to me, I remember that Mr. Cutler was there. I do not remember Mr. Doherty by name, but remember another supervisor was there.

Int. 8. State whether said supervisors personally scrutinized, canvassed, and counted all the ballots for Representative to Congress cast in said ward at said election.—A. The supervisors sat by the table where they were being counted, within the rail, watching the counting as it proceeded, and, I think, in a few cases counting certain piles of ballots. The entire counting for all officers was done in their presence, and they had free access to all the proceedings. I do not think they counted all the ballots for Representative to Congress.

Cross-examination waived.

BENJAMIN KIMBALL.

Deposition of John Albree.

APRIL 4, 1877.

JOHN ALBREE, a witness for Walbridge A. Field, the incumbent, being first duly sworn, in answer to interrogatories proposed by J. Lewis Stackpole, esq., of counsel for the incumbent, testified as follows, viz:

Interrogatory 1. State your name, age, residence, and occupation.—

Answer. John Albree; forty-eight; 122 West Concord street, ward 18; merchant.

Int. 2. Were you acting as clerk of ward 18 at the election of November 7, 1876?—A. I was.

Int. 3. State whether you have this day examined in the vault of the city clerk the box or envelope from ward 18, marked "W. W.—F," and the certificate upon it; whether paper marked "W. W.—K⁶" is a copy of this certificate; whether the facts stated in this certificate are true; and whether the signatures thereon of yourself and the other ward officers are genuine?—A. Yes, to all the inquiries.

Int. 4. Whether all the ballots which were given in said ward at the election held November 7, 1876, by the qualified voters of said ward, after the said ballots were sorted, counted, declared, and recorded, were secured in this envelope in open ward meeting?—A. They were.

Int. 5. Whether said box or envelope was sealed, and by whom, in whose presence, and with what seal, and to whom was it delivered so sealed?—A. By one of the inspectors, I don't remember who now, in presence of all the ward officers; with the ward seal; and delivered to the constable in waiting.

Int. 6. In whose custody was the seal retained and to what time?—

A. In mine, to the present time.

Int. 7. State who acted as United States supervisors in said ward at said election.—A. I don't remember. The names being shown me, I remember they were Swinson and Sullivan.

Int. 8. State whether said supervisors personally scrutinized, canvassed, and counted all the ballots for Representative to Congress cast in said ward at said election?—A. They did.

Cross-examination by S. A. B. Abbott, esq., of counsel for contestant :

Cross-int. 1. Where were the ballots placed from time to time during the day, after they had been counted?—A. In a box behind my chair.

JOHN ALBREE.

Deposition of Albert Thayer.

APRIL 4, 1877.

ALBERT THAYER, a witness for Walbridge A. Field, the incumbent, being first duly sworn, in answer to interrogatories proposed by J. Lewis Stackpole, esq., of counsel for incumbent, testified as follows, viz :

Interrogatory 1. State your name, age, residence, and occupation.—Answer. Albert Thayer; thirty-four; Boston, Mass., ward 19; clerk.

Int. 2. Were you acting as clerk of ward 19 at the election of November 7, 1876?—A. Yes, sir.

Int. 3. State whether you have this day examined in the vault of the city clerk the box or envelope from ward 19 marked "W. W.—G," and the certificate upon it; whether paper marked "W. W.—K?" is a copy of this certificate; whether the facts stated in this certificate are true; and whether the signatures thereon of yourself and the other ward officers are genuine.—A. Yes, to all the inquiries.

Int. 4. Whether all the ballots which were given in said ward at the election held November 7, 1876, by the qualified voters of said ward, after the said ballots were sorted, counted, declared, and recorded, were secured in this envelope in open ward meeting?—A. They were.

Int. 5. Whether said box or envelope was sealed, and by whom, in whose presence, and with what seal, and to whom was it delivered so sealed?—A. By myself, in presence of the other ward officers; with the seal of ward 19; and delivered to the constable in attendance.

Int. 6. In whose custody was the seal retained and to what time?—A. In my own until the present time.

Int. 7. State who acted as United States supervisors in said ward at said election.—A. A man named Pickering and one Thomas Riley.

Int. 8. State whether said supervisors personally scrutinized, canvassed, and counted all the ballots for Representative to Congress cast in said ward at said election.—A. I should say not carefully scrutinized. Mr. Pickering personally counted every ballot, but I should say he did not scrutinize it to find out just what names were on the ballots. Mr. Riley, I think, made no attempt in that line.

Cross-examination by S. A. B. Abbott, esq., of counsel for the contestant :

Cross-int. 1. To which political party did Mr. Pickering belong?—A. That I am unable to answer.

Cross-int. 2. To which political party did Mr. Riley belong?—A. He was a democrat.

Cross-int. 3. Mr. Pickering examined the ballots carefully enough to see what names were on them for member of Congress, did he not?—

A. I should think not. After I had counted the piles he merely took the piles and counted them to see how many there were in each pile without scrutinizing them. As to Mr. Riley, if his intentions had been ever so good, I don't think he could have done anything; the space was so small there where the tables were that there wasn't room for any one else to get in.

Cross-int. 4. Where did you put the ballots from time to time during the day after they had been counted?—A. In the box, wrapped round several times with a string in bunches of one hundred.

ALBERT THAYER.

Deposition of John W. Palfrey.

APRIL 5, 1877.

JOHN W. PALFREY, a witness for Walbridge A. Field, the incumbent, being first duly sworn, in answer to interrogatories proposed by J. Lewis Stackpole, esq., of counsel for incumbent, testified as follows, viz:

Interrogatory 1. State your name, age, residence, and occupation.—Answer. John W. Palfrey; twenty-three; Boston, Mass., ward 20; book-keeper.

Int. 2. Were you acting as clerk of ward 20 at the election of November 7, 1876?—A. I was, *pro tempore*. I served there as clerk all day, Mr. Newell, the clerk, being sick, I having been first elected as clerk *pro tempore*.

Int. 3. State whether you have this day examined, in the vault of the city clerk, the box or envelope from ward 20 marked "W. W.—H," and the certificate upon it; whether paper marked "W. W.—K⁸" is a copy of this certificate; whether the facts stated in this certificate are true; and whether the signatures thereon of yourself and the other ward officers are genuine.—A. Yes, to all the inquiries.

Int. 4. Whether all the ballots which were given in said ward at the election held November 7, 1876, by the qualified voters of said ward after the said ballots were sorted, counted, declared, and recorded, were secured in this envelope in open ward meeting?—A. Yes.

Int. 5. Whether said box or envelope was sealed, and by whom, in whose presence, with what seal, and to whom was it delivered so sealed?—A. By me, in presence of the other officers; with the seal of ward 20; and delivered to the constable.

Int. 6. In whose custody was the seal retained and to what time?—A. I held it until just before the city election in December, about a week before, then gave it to Mr. Newell, the clerk.

Int. 7. State who acted as United States supervisors in said ward at said election.—A. I don't know what the gentlemen's names were; there were two.

Int. 8. State whether said supervisors personally scrutinized, canvassed, and counted all the ballots for Representative to Congress cast in said ward at said election.—A. They did.

Cross-examination waived.

JOHN W. PALFREY.

Deposition of John C. Cook.

APRIL 4, 1877.

JOHN C. COOK, a witness for Walbridge A. Field, the incumbent, being first duly sworn, in answer to interrogatories proposed by J. Lewis Stackpole, esq., of counsel for incumbent, testified as follows:

Interrogatory 1. State your name, age, residence, and occupation.—Answer. John C. Cook; thirty-five; 12 Rockville Place, ward 21; real-estate agent and broker.

Int. 2. Were you acting as clerk of ward 21 at the election of November 7, 1876?—A. I was.

Int. 3. State whether you have this day examined, in the vault of the city clerk, the box or envelope from ward 21, marked "W. W.—I," and the certificate upon it; whether paper "W. W.—K⁹" is a copy of this certificate; whether the facts stated in this certificate are true; and whether the signatures thereon of yourself and the other ward-officers are genuine.—A. Yes, to all the inquiries.

Int. 4. Whether all the ballots which were given in said ward at the election held November 7, 1876, by the qualified voters of said ward, after the said ballots were sorted, counted, declared, and recorded, were secured in this envelope in open ward-meeting?—A. They were.

Int. 5. Whether said box or envelope was sealed, and by whom, in whose presence, and with what seal, and to whom was it delivered so sealed?—A. By myself, in presence of the warden and other ward-officers, with the ward seal of ward 21; delivered to Morrill P. Berry, constable in attendance.

Int. 6. In whose custody was the seal retained, and to what time?—A. In my own, until this time.

Int. 7. State who acted as United States supervisors in said ward at said election.—A. S. T. Cobb, and I think Matthew R. Walsh.

Int. 8. State whether said supervisors personally scrutinized, canvassed, and counted all the ballots for Representative to Congress cast in said ward at said election.—A. They did.

Cross-examination by S. A. B. Abbott, esq., of counsel for contestant:

Cross-int. 1. Where were the ballots placed from time to time during the day after they had been counted?—A. On the table in front of me, in the box in which they were returned to city-hall.

JOHN C. COOK.

Deposition of George A. Fisher.

APRIL 4, 1877.

GEORGE A. FISHER, a witness for Walbridge A. Field, the incumbent, being first duly sworn, in answer to interrogatories proposed by J. Lewis Stackpole, esq., of counsel for the incumbent, testified as follows, viz:

Interrogatory 1. State your name, age, residence, and occupation.—Answer. George A. Fisher; age, thirty-six; in Boston, ward 24; lawyer.

Int. 2. Were you acting as clerk of ward 24 at the election of November 7, 1876?—A. Yes, sir.

Int. 3. State whether you have this day examined in the vault of the city clerk the box or envelope from ward 24 marked "W. W.—J," and the certificate upon it; whether paper marked "W. W.—K¹⁰" is a copy of this certificate; whether the facts stated in this certificate are true;

and whether the signatures thereon of yourself and the other ward-officers are genuine.—A. Yes, to all the inquiries.

Int. 4. Whether all the ballots which were given in said ward at the election held November 7, 1876, by the qualified voters of said ward, after the said ballots were sorted, counted, declared, and recorded, were secured in this envelope in open ward-meeting?—A. They were.

Int. 5. Whether said box or envelope was sealed, and by whom, in whose presence, and with what seal, and to whom was it delivered so sealed?—A. It was sealed under my immediate supervision by William Withington, one of the inspectors, I think; at any rate, by some inspector, in the presence of all the ward-officers, the inspectors, and United States supervisors, and the person who took the returns, with the ward seal of ward 24; it was delivered to Sarell Gleason, the constable in attendance.

Int. 6. In whose custody was the seal retained, and to what time?—A. It was never out of my custody since the city clerk delivered it to me before the election; have retained it ever since.

Int. 7. State who acted as United States supervisors in said ward at said election.—A. Charles B. Fox and John J. Coffey.

Int. 8. State whether said supervisors personally scrutinized, canvassed, and counted all the ballots for Representative to Congress cast in said ward at said election.—A. They did.

Cross-examination waived.

GEO. A. FISHER.

UNITED STATES OF AMERICA,

Third Congressional District of Massachusetts :

In the matter of the contested election for Representative to the Forty-fifth Congress.

BENJAMIN DEAN, CONTESTANT,
vs.
WALBRIDGE A. FIELD, INCUMBENT. }

Exhibits, papers, and agreements produced in evidence and offered during the taking of the depositions on behalf of Walbridge A. Field, the incumbent.

WINSLOW WARREN,
U. S. Commissioner.

W. W.—A¹.

In the matter of the contested election in the third congressional district of Massachusetts, for Representative in the Forty-fifth Congress, in which Benjamin Dean is the contestant and Walbridge A. Field the incumbent, it is agreed that the envelopes purporting to contain the votes for the several wards composing the third congressional district, now in the city-hall of the city of Boston, which have been identified in the depositions of S. F. McCleary, S. B. Stebbins, and Clinton Viles, were duly transmitted from the several wards to the city clerk of said city on the day of the election, November 7, 1876, sealed with the seals of the several wards, and bearing the certificates now appended thereto,

copies whereof are hereto annexed ; and that the several parties signing the said certificates were the ward-officers, acting in the several capacities in which they appear by such certificates to have acted on the day of such election.

W. G. RUSSELL,
Of Counsel for Walbridge A. Field.
S. A. B. ABBOTT,
Of Counsel for Benjamin Dean.

W. W.—B¹.

In the matter of the contested-election case of Benjamin Dean vs. Walbridge A. Field.

Five days' notice of testimony to be taken in rebuttal is hereby waived.

W. G. RUSSELL,
Of Counsel for Walbridge A. Field.

W. W.—D¹.

Ward 18.

REGULAR DEMOCRATIC TICKET.—TILDEN AND HENDRICKS.

For presidential electors.—At large : William Gaston, of Boston ; Edward Avery, of Braintree. By districts : 1. James D. Thompson, of New Bedford ; 2. Samuel N. Dyer, jr., of South Abington ; 3. George P. Baldwin, of Boston ; 4. Charles L. Woodbury, of Boston ; 5. Alpha E. Thompson, of Woburn ; 6. James V. Smiley, of Haverhill ; 7. James C. Abbott, of Lowell ; 8. Edwin A. Alger, of Cambridge ; 9. Eli Thayer, of Worcester ; 10. Timothy S. Wilson, of Fitchburg ; 11. Cebra Quackenbush, of Pittsfield.

For governor.—Charles Francis Adams, of Quincy.

For lieutenant-governor.—William R. Plunkett, of Pittsfield.

For secretary of the commonwealth.—Weston Howland, of Fairhaven.

For treasurer and receiver-general.—David N. Skillings, of Winchester.

For attorney-general.—Richard Olney, of Boston.

For auditor.—John E. Fitzgerald, of Boston.

For clerk of supreme judicial court.—John Noble, of Boston, (the present incumbent.)

For clerk of superior court, criminal business.—John P. Manning, of Boston.

For clerk of superior court, civil business.—Joseph A. Willard, of Boston.

For register of deeds.—Thomas F. Temple, of Boston.

For Representative in Forty-fifth Congress.—Benjamin Dean, of Boston.

For senator.—Samuel Rice, of Boston.

For councilor.—Hugh J. Toland, of Boston.

For representatives in the general court.—Daniel C. Linscott, James McCormick.

W. W.—D².

Ward 18.

REPUBLICAN REGULAR TICKET, 1876.—HAYES AND WHEELER.

For presidential electors.—At large: Thomas Talbot, of Billerica; Stephen Salisbury, of Worcester. By districts: 1. Warren Ladd, of New Bedford; 2. Theodore Dean, of Taunton; 3. John Felt Osgood, of Boston; 4. Martin Brimmer, of Boston; 5. Samuel C. Lawrence, of Medford; 6. George W. Morrill, of Amesbury; 7. Carroll D. Wright, of Reading; 8. James Russell Lowell, of Cambridge; 9. John C. Whitin, of Northbridge; 10. W. B. C. Pearsons, of Holyoke; 11. Richard Goodman, of Lenox.

For governor.—Alexander H. Rice, of Boston.

For lieutenant-governor.—Horatio G. Knight, of Easthampton.

For secretary of the commonwealth.—Henry B. Peirce, of Abington.

For treasurer and receiver-general.—Charles Endicott, of Canton.

For auditor.—Julius L. Clarke, of Newton.

For attorney-general.—Charles R. Train, of Boston.

For clerk of the supreme judicial court.—John Noble, of Boston.

For clerk of the superior court for criminal business.—Hiram S. Shurtleff, of Boston.

For clerk of the superior court for civil business.—Joseph A. Willard, of Boston.

For register of deeds.—Thomas F. Temple, of Boston.

For Representative to Congress.—Walbridge A. Field, of Boston.

For councilor.—Liberty D. Packard, of Boston.

For senator.—Samuel D. Crane.

For representatives to the general court.—Stillman B. Allen, John H. Cook.

W. W.—D³.

Ward 18.

REPUBLICAN PRESIDENTIAL TICKET.

For President.—Rutherford B. Hayes.

For Vice-President.—William A. Wheeler.

For presidential electors.—At large: Thomas Talbot, of Billerica; Stephen Salisbury, of Worcester. By districts: 1. Warren Ladd, of New Bedford; 2. Theodore Dean, of Taunton; 3. J. Felt Osgood, of Boston; 4. Martin Brimmer, of Boston; 5. Samuel C. Lawrence, of Medford; 6. George W. Morrill, of Amesbury; 7. Carroll D. Wright, of Reading; 8. James Russell Lowell, of Cambridge; 9. John C. Whitin, of Northbridge; 10. W. B. C. Pearsons, of Holyoke; 11. Richard Goodman, of Lenox.

For Representative to Congress, fourth district.—Walbridge A. Field, of Boston.

PROHIBITORY AND EQUAL RIGHTS TICKET.

For governor.—John I. Baker, of Beverly.

For lieutenant-governor.—Daniel C. Eddy, of Boston.

For secretary of state.—David B. Gurney, of South Abington.

For treasurer and receiver-general.—David N. Skillings, of Winchester
For auditor.—Jonathan H. Orne, of Marblehead.
For attorney-general.—Orin T. Gray, of Hyde Park.
For councillor for fourth district.—Henry D. Cushing, of Boston.
For senator, sixth Suffolk district.—Alden Avery, of Boston.
For clerk of supreme judicial court.—John Noble, of Boston.
For clerk of superior civil court.—Joseph A. Willard, of Boston.
For clerk of superior criminal court.—John P. Manning, of Boston.
For registrar of deeds.—Thomas F. Temple, of Boston.
Representatives to general court from sixteenth Suffolk district.—Edward M. Horton ; James B. Berry.

W. W.—D⁴.

Ward 8.

REPUBLICAN PRESIDENTIAL TICKET.

For President.—Rutherford B. Hayes.
For Vice-President.—William A. Wheeler.
For presidential electors.—At large: Thomas Talbot, of Billerica ; Stephen Salisbury, of Worcester. By districts: 1. Warren Ladd, of New Bedford ; 2. Theodore Dean, of Taunton ; 3. J. Felt Osgood, of Boston ; 4. Martin Brimmer, of Boston ; 5. Samuel C. Lawrence, of Medford ; 6. George W. Morrill, of Amesbury ; 7. Carroll D. Wright, of Reading ; 8. James Russell Lowell, of Cambridge ; 9. John C. Whitin, of Northbridge ; 10. W. B. C. Pearsons, of Holyoke ; 11. Richard Goodman, of Lenox.
For Representative to Congress, fourth district.—Rufus S. Frost, of Chelsea.

PROHIBITORY AND EQUAL RIGHTS TICKET.

For governor.—John I. Baker, of Beverly.
For lieutenant-governor.—Daniel C. Eddy, of Boston.
For secretary of state.—David B. Gurney, of South Abington.
For treasurer and receiver-general.—David N. Skillings, of Winchester.
For auditor.—Jonathan H. Orne, of Marblehead.
For attorney-general.—Orin T. Gray, of Hyde Park.
For councilor for fourth district.—Henry D. Cushing, of Boston.
For senator, third Suffolk district.—Briggs Mann, of Boston.
For clerk of supreme judicial court.—John Noble, of Boston.
For clerk of superior civil court.—Joseph A. Willard, of Boston.
For clerk of superior criminal court.—John P. Manning, of Boston.
For registrar of deeds.—Thomas F. Temple, of Boston.
Representatives to general court from eighth Suffolk district.—Edmond T. Dooley ; E. W. James.

W. W.—D⁵.

Ward XVII.

Member of Congress, third district.—Walbridge A. Field.
Councillor, fourth district.—Henry D. Cushing.
Senator, sixth district.—Alden Avery.
Representative, seventeenth district.—Abijah Hall ; William C. Lawrence.

County commissioner.—
 Clerk of court.—
 Register of deeds.—
 County treasurer.—
 No. ballots, 500 dem.
 Suffolk County.

W. W.—D⁶.

W'd. 16. 2,000.

William G. Babcock.
 Edward Edmunds.

W'd. 18. 2,000.

Edward M. Horton.
 James B. Berry.

Seventeen, 2,000.

W. W.—D⁷.

Ward XVII.

REPUBLICAN PRESIDENTIAL TICKET.

For President.—Rutherford B. Hayes.

For Vice-President.—William A. Wheeler.

For presidential electors.—At large: Thomas Talbot, of Billerica; Stephen Salisbury, of Worcester. By districts: 1. Warren Ladd, of New Bedford; 2. Theodore Dean, of Taunton; 3. J. Felt Osgood, of Boston; 4. Martin Brimmer, of Boston; 5. Samuel C. Lawrence, of Medford; 6. George W. Morrill, of Amesbury; 7. Carroll D. Wright, of Reading; 8. James Russell Lowell, of Cambridge; 9. John C. Whitin, of Northbridge; 10. W. B. C. Pearsons, of Holyoke; 11. Richard Goodman, of Lenox.

For Representative to Congress, third district.—Walbridge A. Field, of Boston.

PROHIBITORY AND EQUAL RIGHTS TICKET.

For governor.—John I. Baker, of Beverly.

For lieutenant governor.—Daniel C. Eddy, of Boston.

For secretary of state.—David B. Gurney, of South Abington.

For treasurer and receiver-general.—David N. Skillings, of Winchester.

For auditor.—Jonathan H. Orne, of Marblehead.

For attorney-general.—Orin T. Gray, of Hyde Park.

For councilor for fourth district.—Henry D. Cushing, of Boston.

For senator, sixth Suffolk district.—Alden Avery, of Boston.

For clerk of supreme judicial court.—John Noble.

For clerk of superior civil court.—Joseph A. Willard, of Boston.

For clerk of superior criminal court.—John P. Manning, of Boston.

For registrar of deeds.—Thomas F. Temple, of Boston.

Representatives to general court from seventeenth Suffolk district.—Abijah Hall, William C. Lawrence.

W. W.—D⁸.

Ward XVII.

REPUBLICAN PRESIDENTIAL TICKET.

For President.—Rutherford B. Hayes.*For Vice-President.*—William A. Wheeler.*For presidential electors.*—At large: Thomas Talbot, of Billerica; Stephen Salisbury, of Worcester. By districts: 1. Warren Ladd, of New Bedford; 2. Theodore Dean, of Taunton; 3. J. Felt Osgood, of Boston; 4. Martin Brimmer, of Boston; 5. Samuel C. Lawrence, of Medford; 6. George W. Morrill, of Amesbury; 7. Carroll D. Wright, of Reading; 8. James Russell Lowell, of Cambridge; 9. John C. Whitin, of Northbridge; 10. W. B. C. Pearsons, of Holyoke; 11. Richard Goodman, of Lennox.*For Representative to Congress, third district.*—Walbridge A. Field, of Boston.

PROHIBITORY AND EQUAL RIGHTS TICKET.

For governor.—John I. Baker, of Beverly.*For lieutenant-governor.*—Daniel C. Eddy, of Boston.*For secretary of state.*—David B. Gurney, of South Abington.*For treasurer and receiver-general.*—David N. Skillings, of Winchester.*For auditor.*—Jonathan H. Orne, of Marblehead.*For attorney-general.*—Orin T. Gray, of Hyde Park.*For councilor for fourth district.*—Henry D. Cushing, of Boston.*For senator, sixth Suffolk district.*—Alden Avery, of Boston.*For clerk of supreme judicial court.*—John Noble, of Boston.*For clerk of superior civil court.*—Joseph A. Willard, of Boston.*For clerk of superior criminal court.*—John P. Manning, of Boston.*For registrar of deeds.*—Thomas F. Temple, of Boston.*Representatives to general court from seventeenth Suffolk district.*—Abijah Hall, William C. Lawrence.W. W.—D⁹.

Ward XVIII.

DEMOCRATIC AND PRESIDENTIAL TICKET.

For President.—Samuel J. Tilden.*For Vice-President.*—Thomas A. Hendricks.*For presidential electors.*—At large: William Gaston, of Boston; Edward Avery, of Braintree. By districts: 1. James D. Thompson, of New Bedford; 2. Samuel N. Dyer, jr., of South Abington; 3. George P. Baldwin, of Boston; 4. Charles Levi Woodbury, of Boston; 5. Alpha E. Thompson, of Woburn; 6. James V. Smiley, of Haverhill; 7. James C. Abbott, of Lowell; 8. Edwin A. Alger, of Cambridge; 9. Eli Thayer, of Worcester; 10. Timothy S. Wilson, of Fitchburg; 11. Cebra Quackebush, of Pittsfield.*For Representative to Congress, third district.*—Benjamin Dean, of Boston.

PROHIBITORY AND EQUAL RIGHTS TICKET.

For governor.—John I. Baker, of Beverly.

For lieutenant-governor.—Daniel C. Eddy, of Boston.

For secretary of state.—David B. Gurney, of South Abington.

For treasurer and receiver-general.—David N. Skillings, of Winchester.

For auditor.—Jonathan H. Orne, of Marblehead.

For attorney-general.—Orin T. Gray, of Hyde Park.

For councilor for fourth district.—Henry D. Cushing, of Boston.

For senator, sixth Suffolk district.—Alden Avery, of Boston.

For clerk of supreme judicial court.—John Noble, of Boston.

For clerk of superior civil court.—Joseph A. Willard, of Boston.

For clerk of superior criminal court.—John P. Manning, of Boston.

For registrar of deeds.—Thomas F. Temple, of Boston.

Representatives to general court from eighteenth Suffolk district.—

W. W.—K.

CITY OF BOSTON,

Ward No. :

We, the undersigned, ward officers of ward No. . . , do hereby certify that the within envelope contains all the ballots given in by the voters of said ward, and none other, on November 7, 1876, for the following officers, viz:

Thirteen presidential electors, a governor, lieutenant-governor, secretary, treasurer and receiver-general, auditor, attorney-general, a member of the Forty-fifth Congress of the United States from District No. . . , a councillor for district No. . . , a senator for district No. . . , two representatives for district No. . . ; also, for a clerk of the supreme judicial court, a clerk of the superior court for civil business, a clerk of the superior court for criminal business, and a register of deeds for Suffolk County.

In testimony whereof we have hereunto set our hands and the seal of said ward on this 7th day of November, A. D. 1876.

Warden.

Inspectors.

Clerk.

CITY OF BOSTON,
City Hall, March 22, 1877.

I certify that the following are correct copies of the ward officers' certificates upon the several envelopes inclosing the ballots cast at the election in this city on November 7, 1876, for the officers therein recited.

S. F. McCLEARY,
City Clerk.

W. W.—K¹.

CITY OF BOSTON,

Ward No. 13:

We, the undersigned, ward officers of ward No. 13, do hereby certify that the within envelope contains all the ballots given in by the voters

of said ward, and none other, on November 7, 1876, for the following officers, viz :

Thirteen presidential electors, a governor, lieutenant-governor, secretary, treasurer and receiver-general, auditor, attorney-general, a member of the Forty-fifth Congress of the United States from district No. 3, a councillor for district No. IV, a senator for district No. V, two representatives for district No. 13; also for a clerk of the supreme judicial court, a clerk of the superior court for civil business, a clerk of the superior court for criminal business, and a register of deeds for Suffolk County.

In testimony whereof we have hereunto set our hands and the seal of said ward on this 7th day of November, A. D. 1876.

GEO. A. DONEGAN, *Warden.*

JOSEPH A. LAMB,

JOHN McDONOUGH,

FRED. F. DOUGHERTY,

Inspectors.

N. McGUE, *Clerk.*

DUDLEY PRAY.

W. W.—K².

CITY OF BOSTON,

Ward No. 14:

We, the undersigned, ward officers of ward No. 14, do hereby certify that the within envelope contains all the ballots given in by the voters of said ward, and none other, on November 7, 1876, for the following officers, viz :

Thirteen presidential electors, a governor, lieutenant-governor, secretary, treasurer and receiver-general, auditor, attorney-general, a member of the Forty-fifth Congress of the United States from district No. 3, a councillor for district No. IV, a senator for district No. V, two representatives for district No. 14; also for a clerk of the supreme judicial court, a clerk of the superior court for civil business, a clerk of the superior court for criminal business, and a register of deeds for Suffolk County.

In testimony whereof we have hereunto set our hands and the seal of said ward on this 7th day of November, A. D. 1876.

THOMAS A. SIMPSON,

Warden.

F. A. HILL,

SAMUEL HEALY, JR.,

R. T. WEAVER,

FRAS. JAMES, *Inspectors.*

FRANK W. GOODWIN,

Clerk.

JAMES RENFREW.

W. W.—K³.

CITY OF BOSTON,

Ward No. 15:

We, the undersigned, ward officers of ward No. 15, do hereby certify that the within envelope contains all the ballots given in by the voters of said ward, and none other, on November 7, 1876, for the following officers, viz:

Thirteen presidential electors, a governor, lieutenant-governor, secre-

tary, treasurer and receiver-general, auditor, attorney-general, a member of the Forty-fifth Congress of the United States from district No. 3, a councillor for district No. IV, a senator for district No. V, two representatives for district No. 15; also for a clerk of the supreme judicial court, a clerk of the superior court for civil business, a clerk of the superior court for criminal business, and a register of deeds for Suffolk County.

In testimony whereof we have hereunto set our hands and the seal of said ward on this 7th day of November, A. D. 1876.

E. B. BLASLAND, *Warden.*
CHAS. B. BEDLINGTON,
GEO. H. PATTERSON,
THOMAS LEAVITT,
Inspectors.
ALBAN S. GREEN, *Clerk.*

JOSEPH R. GROSS.

W. W.—K⁴.

CITY OF BOSTON,
Ward No. 16:

We, the undersigned, ward officers of ward No. 16, do hereby certify that the within envelope contains all the ballots given in by the voters of said ward, and none other, on November 7, 1876, for the following officers, viz:

Thirteen presidential electors, a governor, lieutenant-governor, secretary, treasurer and receiver-general, auditor, attorney-general, a member of the Forty-fifth Congress of the United States from district No. 3, a councillor for district No. IV, a senator for district No. 6, two representatives for district No. 16; also for a clerk of the supreme judicial court, a clerk of the superior court for civil business, a clerk of the superior court for criminal business, and a register of deeds for Suffolk County.

In testimony whereof we have hereunto set our hands and the seal of said ward on this 7th day of November, A. D. 1876.

ISAAC J. WETHERBEE,
Warden.

W. HARVY NEAL,
PATRICK M. DENON,
FRANK G. PARKER,
Inspectors.

CHAS. B. HUNTING, *Clerk.*

RANDALL G. BURRELL.
FRANCIS M. SMITH.

W. W.—K⁵.

CITY OF BOSTON,
Ward No. 17:

We, the undersigned, ward officers of ward No. 17, do hereby certify that the within envelope contains all the ballots given in by the voters of said ward, and none other, on November 7, 1876, for the following officers, viz:

Thirteen presidential electors, a governor, lieutenant-governor, secretary, treasurer and receiver-general, auditor, attorney-general, a member of the Forty-fifth Congress of the United States from district No. 3, a councillor for district No. IV, a senator for district No. 6, two representatives for district No. 17; also for a clerk of the supreme judicial court, a clerk of the superior court for civil business, a clerk of the superior court for criminal business, and a register of deeds for Suffolk County.

In testimony whereof, we have hereunto set our hands and the seal of said ward, on this 7th day of November, A. D. 1876.

ALBERT E. PILLSBURY,
Warden pro tem.

W. C. PAGE,
THOS. A. TALLON,
JOHN C. LANE,
JESSE L. MASON,

Inspectors.
BENJAMIN KIMBALL, *Clerk.*

C. C. RYDER.
W. H. CUNDY.
CHAS. B. JOHNSTON.
DUDLEY R. CHILD.

W. W.—K⁶.

CITY OF BOSTON,
Ward No. 18.

We, the undersigned ward officers of ward No. 18, do hereby certify that the within envelope contains all the ballots given in by the voters of said ward, and none other, on November 7, 1876, for the following officers, viz:

Thirteen presidential electors, a governor, lieutenant-governor, secretary, treasurer and receiver-general, auditor, attorney-general, a member of the Forty-fifth Congress of the United States from district No. 3, a councillor for district No. IV, a senator for district No. 6, two representatives for district No. 18; also for a clerk of the supreme judicial court, a clerk of the superior court for civil business, a clerk of the superior court for criminal business, and a register of deeds for Suffolk County.

In testimony whereof, we have hereunto set our hands and the seal of said ward, on this seventh day of November, A. D. 1876.

B. E. COLE, *Warden.*
CHARLES E. FOX,
ALBERT C. POND,
W. H. CHIPMAN,
Inspectors.
J. ALBREE, *Clerk.*

WILLIAM H. THOMES.

W. W.—K⁷.

CITY OF BOSTON,
Ward No. 19.

We, the undersigned, ward-officers of ward No. 19, do hereby certify that the within envelope contains all the ballots given by the voters of said ward, and none other, on November 7, 1876, for the following officers, viz:

Thirteen presidential electors, a governor, lieutenant-governor, secretary, treasurer and receiver-general, auditor, attorney-general, a member of the Forty-fifth Congress of the United States from district No. 3, a councillor for district No. IV, a senator for district No. 7, two representatives for district No. 19; also for a clerk of the supreme judicial court, a clerk of the superior court for civil business, a clerk of the superior court for criminal business, and a register of deeds for Suffolk County.

In testimony whereof, we have hereunto set our hands and the seal of said ward, on this seventh day of November, A. D. 1876.

JOHN McELROY, *Warden.*

GEO. A. KOHL,

MICHAEL J. MAHONEY,

ALBERT BATCHELDER,

Inspectors.

ALBERT THAYER, *Clerk.*

J. S. O'GORMAN, *pro tem.*

ANTHONY B. SHAW.

JOHN DEERY.

W. W.—K⁸.

CITY OF BOSTON,

Ward No. 20.

We, the undersigned ward officers of ward No. 20, do hereby certify that the within envelope contains all the ballots given in by the voters of said ward, and none other, on November 7, 1876, for the following officers, viz:

Thirteen presidential electors, a governor, lieutenant-governor, secretary, treasurer and receiver-general, auditor, attorney-general, a member of the Forty-fifth Congress of the United States from district No. 3, a councillor for district No. IV, a senator for district No. 7, two representatives for district No. 20; also for a clerk of the supreme judicial court, a clerk of the superior court for civil business, a clerk of the superior court for criminal business, and a register of deeds for Suffolk County.

In testimony whereof, we have hereunto set our hands and the seal of said ward, on this seventh day of November, A. D. 1876.

EDWARD W. DOLAN,

Warden.

ALEX'R K. BRYER,

DAN'L J. MITCHELL,

GEO. F. SCOTT,

Inspectors.

JOHN W. PALFREY,

Clerk pro tem.

FRANK P. RICHARDSON.

W. W.—K⁹.

CITY OF BOSTON,

Ward No. 21.

We, the undersigned ward officers of ward No. 21, do hereby certify that the within envelope contains all the ballots given in by the voters of said ward, and none other, on November 7, 1876, for the following officers, viz:

Thirteen presidential electors, a governor, lieutenant-governor, sec-

retary, treasurer and receiver-general, auditor, attorney-general, a member of the Forty-fifth Congress of the United States from district No. 3, a councillor for district No. IV, a senator for district No. 7, two representatives for district No. 21; also for a clerk of the supreme judicial court, a clerk of the superior court for civil business, a clerk of the superior court for criminal business, and a register of deeds for Suffolk County.

In testimony whereof, we have hereunto set our hands and the seal of said ward, on this seventh day of November, A. D. 1876.

WM. H. MCINTOSH,
Warden.

CHAS. H. HOVEY,
ARTHUR M. KEITH,
WM. E. PICKETT,
Inspectors.
JOHN C. COOK, *Clerk.*

J. M. MARSTON.
A. G. WYMAN.
H. A. WRIGHT.

W. W.—K¹⁰.

CITY OF BOSTON,
Ward No. 24.

We, the undersigned ward officers of ward No. 24, do hereby certify that the within envelope contains all the ballots given in by the voters of said ward, and none other, on November 7, 1876, for the following officers, viz:

Thirteen presidential electors, a governor, lieutenant-governor, secretary, treasurer and receiver-general, auditor, attorney-general, a member of the Forty-fifth Congress of the United States from district No. 3, a councillor for district No. III, a senator for district No. 8, two representatives for district No. 24; also for a clerk of the supreme judicial court, a clerk of the superior court for civil business, a clerk of the superior court for criminal business, and a register of deeds for Suffolk County.

In testimony whereof, we have hereunto set our hands and the seal of said ward, on this seventh day of November, A. D. 1876.

JOHN PIERCE, *Warden.*
W. D. C. CURTIS,
JOSEPH E. HALL,
HENRY PIERCE,
Inspectors.
GEO. A. FISHER, *Clerk.*

W. WITHINGTON.
JOHN H. DILLON.

W. W.—L¹.

CITY OF BOSTON,
City Hall, Nov. 11, 1876.

Ward No. 18:

At the request of ten legal voters of this ward, this box was opened by the undersigned, a committee appointed by the board of aldermen to examine the returns of votes cast on the 7th inst.; the ballots for a

member of the 45th Congress were counted by us; and all the ballots were then replaced in this box, which was sealed up as required by law.

S. B. STEBBIES,
HUGH O'BRIEN,
CLINTON VILES,
Committee.

CITY OF BOSTON, *March 22, 1877.*

The above is a true copy of the committee's certificate placed on the envelope-box of ward No. 18. A certificate to the same effect signed by the same committee was also affixed to each of the other envelope-boxes of wards in the third congressional district.

Attest:

S. F. McCLEARY,
City Clerk.

W. W.—M¹.

CITY OF BOSTON,
City Hall, Nov. 14, 1876.

Ward No. 13 :

This box was again opened by the undersigned, a committee of the board of aldermen of this city, to examine the ballots cast in said ward for members of the house of representatives of *this State*. All the ballots were then returned to said box, which was again sealed up by us as provided by law.

S. B. STEBBINS,
HUGH O'BRIEN,
CLINTON VILES,
Committee.

A true copy of original certificate affixed to envelope of ward No. 13.

S. F. McCLEARY,
City Clerk.

W. W.—M².

CITY OF BOSTON,
City Hall, Nov. 14, 1876.

Ward No. 14 :

This box was again opened by the undersigned, a committee of the board of aldermen appointed to examine the returns of votes cast on the 7th inst., for the purpose of counting the ballots cast in said ward for representatives to the *State* legislature; all the ballots were then returned to said box, which was again sealed up by us as provided by law.

S. B. STEBBINS,
HUGH O'BRIEN,
CLINTON VILES,
Committee.

A true copy of original certificate affixed to envelope of ward No. 14

S. F. McCLEARY,
City Clerk.

Ward 16.

W. A. Field :	25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25,	
	25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25	625
		(621)
B. Dean :	25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25,	
	25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25,	
	25, 25, 25=875—14=	889
		(896)

Jno. J. Fitzgerald. Nov. 7;
Sworn and subscribed to before me.

THS. McC. BABYN,
J. of the P.

This name has been voted on twice; he has voted under protest of the warden and J. N. Daly, supr.

Not counted.

8 blanks.

Ward 17.

(1, 131.)

W. A. Field :	25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25,	
	25, 26, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25,	
	25, 25, 25	825
	25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25	275
		31
B. Dean :	25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25,	
	25, 25, 25, 25, 25	525
	25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 3	278
		803
		(802)

Blank, 4.

Ward 18.

W. A. Field :	25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25,	
	25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25,	
	25, 25, 25, 25, 25, 25, 25, 25	950
	19, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25,	
	25, 25, 25, 19	460
		1, 413
		25 x
B. Dean :	25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25,	
	25, 25, 25, 25, 25, 25	550
		23

x 25

Rufus Frost, 1.

Blanks, 4.

(1, 410) (570)

W. A. Field, rep. 4 cong'l dist.

Ward 24.

W. A. Field: 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25,
25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25,
25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25,
25, 25, 25, 25, 25, 25, 25, 25 1, 325
25
12

(1, 362)

(1, 361)

B. Dean : 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25,
25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25, 25,
25, 25, 25, 18.....

893
(895)

Francis M. Weld, 1.

Blank, 2.

Recount. Return.

B. D.	9,315	9,308
-------	-------	-------

F	9,295	9,276
---	-------	-------

584

W. A. F., 4th.....	25
--------------------	----

$$W, W, -O^2.$$

CITY OF BOSTON.

In Board of Aldermen, November 13, 1876.

The committee appointed to examine the returns of votes cast on the 7th instant in this city beg leave to report: That they received applications in the usual form from ten or more legal voters from each ward comprising the third congressional district, asking for a recount of the original ballots cast for a member of Congress in that district. They accordingly attended to that duty, and report the results as set forth in the table hereto annexed, from which it will appear that there were for—

Benjamin Dean	9,315 ballots.
---------------------	----------------

Walbridge A. Field	9,295 ballots.
--------------------------	----------------

Walbridge A. Field, for member of Congress for the fourth district	25 ballots.
---	-------------

Wm. A. Field	1 ballot.
--------------	-----------

— Field 3 ballots.

The twenty-five ballots were cast in the eighteenth ward, and the number of the district was printed on the ballots. The committee judge that an error was made in printing the ballots, and they believe it was the intention of the voters who deposited these ballots to vote for Walbridge A. Field, who was a resident of the third district, and who was the regularly nominated candidate of one of the great parties for Congress.

It is proper to state that all the ballots were examined and counted by each member of the committee separately, who all arrived at the same result.

Acting under the advice of the city solicitor, who had grave doubts as to the right of the committee to credit such ballots to Mr. Field, the

committee, without recommending any course to be pursued, submit the facts and the whole subject to the judgment and decision of the board.

S. B. STEBBINS,
HUGH O'BRIEN,
CLINTON VILES,
Committee.

NOVEMBER 15, 1876.—Accepted.

S. F. McCLEARY,
City Clerk.

W. W.—P².
Third Congressional District.

	Ward returns.										
	13	14	15	16	17	18	19	20	21	24	Totals.
Benjamin Dean	1, 495	1, 075	855	896	802	579	1, 126	1, 038	547	895	9, 308
Walbridge A. Field	219	939	753	621	1, 131	1, 410	614	897	1, 331	1, 361	9, 276
Walbridge A. Field, (4th dist.)						25					25
A. Field							1				1
Field							1				1
Samuel D. Smith									1		1

	Official count.										
	13	14	15	16	17	18	19	20	21	24	Totals.
Benjamin Dean	1, 497	1, 100	855	889	803	573	1, 125	1, 035	545	893	9, 315
Walbridge A. Field	225	950	751	625	1, 131	1, 413	614	891	1, 333	1, 362	9, 295
Walbridge A. Field, (4th dist.)						25					25
Wm. A. Field				1							1
Field							3				3
Leopold Morse				1							1
Rufus S. Frost				2		1					3
Francis M. Weld								1			1

W. W.—R¹.

25	25	25	25
—	25	25	25
550	25	25	25
23	25	25	25
—	25	—	25
573	25	1369	25
	25	25	25
	25	19	25
	—	—	25
	800	1413	—
			850

WARD 20.		WARD 21.		WARD 24.	
Dean.	Field.	Field.	Dean.	Field.	Dean.
25	25	25	25	25	25
25	25	25	25	25	25
25	25	25	25	25	25
25	25	25	25	25	25
25	25	25	25	25	25
25	25	25	25	25	25
25	25	25	25	25	25
25	25	25	25	25	25
25	25	25	25	25	25
25	25	25	25	25	25
25	25	25	25	25	25
25	25	25	25	25	25
25	25	—	25	25	25
25	25	275	25	25	25
25	25	25	25	25	25
25	25	25	25	25	25
25	25	25	25	25	25
	25	25	25	—	25
		25		400	

Field	1,362
Dean	893
Francis M. Weld	1
Blanks	2

W. W.—R².

WARD 17.

25	25	1131
25	25	
25	25	
25	—	
25	400	
25	25	
25	25	
—	25	
525	25	
25	25	
25	25	
25	25	
25	25	
25	—	
25	600	
25	25	
—	25	
700	25	
25	25	
25	25	
25	25	
25	25	
3	25	
—	25	
803	25	
	25	
	—	
	875	

Dean	803
Field	1, 131
Blanks	4

Dean	889
Field	625
Voted Irvine, 1 vote, not counted.	
Blanks	8
Wm. A. Field	1
Leopold Morse	1
Rufus S. Frost	2

 WARD 15.

Dean.	Field.
25	25
25	25
25	25
25	25
25	25
25	25
25	25
25	25
25	25
25	25
—	25
250	25
25	25
25	25
25	25
25	25
25	25
25	25
25	25
25	
25	
Dean	835
Field	751
Blank	2
Dean	1

W. W.—R⁵.

THIRD CONGRESSIONAL—WARD 13.

	Dean.	Field.
1425	25	25
25	25	25
25	25	25
22	25	25
	25	25
1497	25	25
	25	25
	25	25
		25
	200	
	25	225
	25	
	25	
	25	
	25	
	25	
	25	
	25	
	25	
	25	

WARD 13.

Blanks	4
Dean	1497
Field	225
Blanks	4

W. W.—R⁶.

25
25
25
25
25
1100
25
25
25
25
25
25
25
25
25
25
25
1425

W. W.—R⁷.

	25	25
4)24	25	25
—	25	25
6	25	25
	25	25
	25	—
	25	625
	—	25
	675	25
	25	25
	25	25
	25	25
	25	25
	25	25
	25	25
	25	—
	25	825
	25	25
	25	25
	—	25
	950	25
		25
		25
		25

W. W.—R⁸.

WARD 14.

Field.	Dean.
25	25
25	25
25	25
25	25
25	25
25	25
25	25
25	25
25	25
25	25
25	25
25	25
25	25
25	25
25	25
25	25
25	25
25	25
25	25
25	25
25	25

Dean	1,100
Field	950
Blanks	5

W. W.—R⁹.

In the matter of the contested election in the third Massachusetts congressional district, wherein Walbridge A. Field is the incumbent and Benjamin Dean contestant.

It is hereby agreed by and between the respective parties that no advantage shall be taken of any informality or omission in giving notice of the taking of depositions, or in the manner of summoning or producing witnesses or of producing papers and exhibits, except where the said exception shall have been taken at the time of producing the witnesses or papers in regard to which the omission or informality is alleged; and it is further agreed that no exception shall be taken to any informality or omission in the caption of the commissioner. It is further agreed that the testimony and papers in this case may be sent to the Clerk of the House of Representatives, Washington, D. C., by Adams Express Company's line of express, and that no exception shall be taken to this method of transportation.

BENJAMIN DEAN,
By his attorney, S. A. B. ABBOTT.
WALBRIDGE A. FIELD,
By his attorney, J. L. STACKPOLE.

W. W.—S¹.

In the matter of the contested election in the third Massachusetts congressional district, wherein Walbridge A. Field is the incumbent and Benjamin Dean the contestant.

It is hereby agreed and admitted by the respective parties in the above case that the original of the exhibit marked "W. W.—B," produced in evidence by the contestant, was transmitted, sealed, to the secretary of state of the commonwealth of Massachusetts, and was by him transmitted with seals unbroken, as received, to the governor and council.

BENJAMIN DEAN,
By his attorney, S. A. B. ABBOTT.
WALBRIDGE A. FIELD,
By his attorney, J. L. STACKPOLE.

W. W.—T¹.

In the matter of the contested election in the third Massachusetts congressional district, wherein Walbridge A. Field is the incumbent and Benjamin Dean the contestant.

It is hereby agreed by the respective parties in the above matter, that book entitled "A Compilation of the Laws in force relating to Elections," annexed to these depositions and marked by the commissioner "W. W.—T²," may be produced and admitted in evidence in this case, and used and referred to by either party at the hearing in the case.

BENJAMIN DEAN,
By his attorney, S. A. B. ABBOTT.
WALBRIDGE A. FIELD,
By his attorney, J. L. STACKPOLE.

W. W.—T².

COMMONWEALTH OF MASSACHUSETTS:

A compilation of the laws in force relating to elections: containing the act of 1874, chapter 376, in which were incorporated the provisions of the several acts relating to elections passed since the general statutes; and the other acts relating to elections passed in 1874, 1875, and 1876; together with the provisions of the general statutes relating to elections which remain in force. With notes and references. Prepared by the secretary of the commonwealth, in conformity with chapter 54 of the resolves of 1876.

3

*[Act of 1874, chapter 376.]

AN ACT relating to elections.

Be it enacted by the senate and house of representatives, in general court assembled, and by the authority of the same, as follows:

I.—PROVISIONS IN AMENDMENT OF CHAPTER SIX OF THE GENERAL STATUTES.†

SEC. 2. In any election of Representatives to Congress, no person shall be allowed to vote for the same until he shall have resided in the congressional district where he offers to vote, six months next preceding such election, and shall be otherwise qualified according to the constitution and laws: *Provided*, That when the state shall be districted anew for members of Congress, he shall have the right so to vote in the district where he is located by such new arrangement; and *Provided, also*, That no voter residing in any city which now is, or hereafter may be, divided by the line between congressional districts, shall be deprived of his vote in the district in which he was assessed, or liable to assessment, on the first day of May next preceding such congressional election, if he be otherwise qualified.

SEC. 4. The collectors, whether the time for which they were chosen has expired or not, shall, twice in each year, namely, once not more than twenty nor less than fifteen days before the annual city or town elections, and once not more than twenty nor less than fifteen days before the Tuesday next after the first Monday in November, return to the mayor and aldermen and selectmen of their respective cities and towns an accurate list of all persons from whom they have received payment of any State or county tax subsequently to the time appointed for making their last preceding return.

SEC. 5. Every collector neglecting to make such return shall forfeit one hundred dollars for each neglect; and twenty dollars for every name in respect to which he makes a false return.

SEC. 6. When any person, on or before the fifteenth day of September, in any year, gives notice in writing, accompanied by satisfactory evidence, to the assessors of a city or town, that he was, on the first day of May of that year, an inhabitant thereof, and liable to pay a poll-tax, and furnishes, under oath, a true list of his polls and estate, both real and personal, not exempt from taxation, the assessors shall assess him for his polls and estate; but such assessment shall be subject to the provisions of chapter one hundred and twenty-one of the acts of the year one thousand eight hundred and sixty-five; and the assessors

† The whole of chapter six of the general statutes is repealed by section 58 of this act.

shall, on or before the first day of October, deposit with the clerk of the city or town a list of the persons so assessed. The taxes so assessed shall be entered in the tax-list of the collector of the city or town, and he shall collect and pay over the same in the manner specified in his warrant.

5 SEC. 7.† The mayor and aldermen of cities, and selectmen of towns shall at least ten days before the *annual city and town elections, and at least ten days before the Tuesday next after the first Monday in November, annually, make correct alphabetical lists of all the persons qualified to vote for the several officers to be elected at those periods, and shall at least ten days before said elections cause such lists to be posted up in two or more public places in their respective cities and towns.

SEC. 8. The selectmen of towns shall be in session at some convenient place for a reasonable time, within forty-eight hours next preceding all meetings for the election of town, county, or State officers, or of Representatives in Congress, or of electors of President and Vice-President, for the purpose of receiving evidence of the qualifications of persons claiming a right to vote in such elections and of correcting the lists of voters. Such session shall be holden for one hour at least before the opening of the meeting on the day of the election, and notice of the time and place of holding the sessions shall be given by the selectmen upon the lists posted up as provided in the preceding section.

SEC. 9.‡ The mayor and aldermen of cities shall be in session on the *second* day immediately preceding the meeting for any election, and for as much longer time previous to said *second* day as they judge necessary, for the purpose of receiving evidence of the qualifications of persons claiming a right to vote at such meeting, and of correcting the lists of voters; and they shall give notice of the time and place of holding the sessions upon lists of voters posted up as required by section seven of this act. When the *second* day immediately preceding such meeting is Sunday, such session shall be held on the Saturday preceding.

In addition to giving the notice now required by [section nine, above] the mayor and aldermen of cities shall also, in their notices to the inhabitants of a meeting for an election, state the day of the month when registration will cease, and also that, after the close of said registration, no name will be entered on the check-list, except as provided by [section ten, next following].

6 SEC. 10. The name of no person shall be added to the voting-lists in any city after the lists have been placed in the hands of the ward officers, unless the qualifications of said person as a voter shall have been determined by *the mayor and aldermen, at some meeting held previous to the opening of the polls; such fact to be verified by the certificate of the city clerk.

SEC. 11.§

SEC. 12.§

SEC. 13. In every town where the number of qualified voters exceeds one thousand, a session of the selectmen for like purpose to that mentioned in section eight of this act shall be holden on the day immediately preceding the meeting, and for as much longer time previous to said day as they judge necessary for the purpose aforesaid. When the

† See the act of 1876, chapter 225, sections 1 to 7, inclusive, for additional provisions relating to the preparation of the voting-lists *in cities*, pages 22 and 23 of this pamphlet.

‡ This section is here printed with the amendment and additional provision made by chapter 188 of the acts of 1875, which act is printed in full at page 18 of this pamphlet.

§ These sections repealed by chapter 225 of the acts of 1876, to which reference must be had for provisions of law relating to the preparation of voting-lists and elections *in cities*, pages 22 and 23 of this pamphlet.

day immediately preceding such meeting is Sunday, such session shall be holden on the Saturday preceding.

SEC. 14. The selectmen shall also enter on such lists the name of any person known to them to be qualified to vote, and shall erase therefrom the name of any person known to them not to be qualified.

SEC. 15. The mayor and aldermen and selectmen, before entering upon the lists the name of a naturalized citizen, shall require him to produce for their inspection his papers of naturalization, and be satisfied that he has been legally naturalized; but they need not require the production of such papers after they have once examined and passed upon them.

SEC. 16. Whoever gives a false name or a false answer to the mayor and aldermen or selectmen, when in session for the purposes aforesaid, shall forfeit the sum of thirty dollars for each offence.

SEC. 17. The mayor and aldermen and selectmen, if they have duly entered on said lists the names of all persons returned to them by the collectors, shall not be answerable for any omissions therefrom.

SEC. 18. A city or town officer who willfully neglects or refuses to perform any duty required of him by the provisions of this act shall for each offence forfeit a sum not exceeding two hundred dollars.

7 * II.—PROVISIONS IN AMENDMENT OF SECTIONS TWO, THREE, EIGHT, AND NINE OF CHAPTER SEVEN OF THE GENERAL STATUTES.†

SEC. 19. Meetings for the election of national, state, district, and county officers may be opened as early as seven o'clock in the forenoon, and shall be opened as early as two o'clock in the afternoon of the election day, and the mayor and aldermen and selectmen shall decide whether such officers shall be voted for on one ballot or at the same time on separate ballots, and shall give notice thereof in the warrant calling the meeting.

SEC. 20.‡ Such meetings in cities shall be called according to the provisions of the acts establishing them and the acts in addition thereto, and the warrant for notifying such meetings shall specify the time when the polls for the choice of the several officers shall be opened, and the hour at which the polls shall be closed; and the polls shall be kept open at least two hours; but in no case shall the polls be kept open after the hour of sunset.

SEC. 21. Such meetings in towns shall be called by the selectmen in the manner ordered by the towns, and the warrant for notifying such meetings shall specify the time when the polls for the choice of the several officers shall be opened, and the hour at which the polls may be closed. The polls in towns shall be kept open at least two hours and for such longer time as a majority of the voters present shall by vote direct, but they shall not be closed until the hour named in the warrant has arrived; and in no case shall the polls be kept open after the hour of sunset.

† Sections one, two, three, eight, and nine of chapter seven of the general statutes are repealed by section 58 of this act.

The provisions of section one are not re-enacted, and are no longer in force.

Section twenty-nine was repealed by the act of 1874, chapter 356. See note at page 29 of this pamphlet.

The sections which are not repealed, namely, sections four, five, six, seven, and sections ten to thirty-six, inclusive, (except section twenty-nine,) will be found at page 24 to 29, inclusive, of this pamphlet.

‡ For an additional provision with reference to the warrant, in cities, see the act of 1875, chapter 184, page 18 of this pamphlet.

SEC. 22. At town meetings for the election of national, state, district, and county officers, the selectmen shall preside, and shall have all the powers which are vested in moderators.

8 SEC. 23. The presiding officers at meetings held * for the election of town or other officers shall be provided with a complete list of the persons qualified to vote at such election; and no person shall vote at an election whose name has not been previously placed on such list, nor until the presiding officers find and check his name thereon: *Provided, however,* That in the election of town officers it shall not be necessary to find and check the name of the voter, except in the cases where the election is, or may be, required by statute to be by ballot; and in all other cases the check-list shall be used or not, as the town, at its meeting, may determine, except that in the election of moderators of town meetings, held for the choice of town officers, the check-list shall be used.

III.—PROVISIONS IN AMENDMENT OF SECTIONS SEVEN TO TWENTY-FOUR INCLUSIVE OF CHAPTER EIGHT OF THE GENERAL STATUTES.†

Representatives to the general court.

SEC. 24. Warrants for meetings for the election of representatives to the general court shall direct that the voters in towns, cities, and wards be notified to bring in their votes on one ballot for the representatives to which their several districts are entitled, and shall specify the number thereof; and such elections shall be conducted and the results thereof determined as provided in chapter seven of the General Statutes, except as otherwise provided in this act.

SEC. 25. In towns, cities, and wards, composing a part of a representative district, the selectmen and town clerks and ward officers, in open town and ward meetings, and the mayor and aldermen and city clerks, shall forthwith, upon the vote for representative being recorded, make out under their hands, and seal up and deliver to their respective clerks, a true transcript of such record.

9 SEC. 26. The county commissioners, mayor and aldermen, or board of aldermen, or such special commissioners as are authorized to apportion the representation assigned to the several counties, at their meeting for such *purpose, shall designate a place in each representative district, not contained in or consisting of one town or city, at which the clerks of towns, cities, and wards composing such district shall assemble for the purpose of ascertaining the result of elections. Due notice of such appointment shall be given by said commissioners or mayor and aldermen to every town, city, and ward in the district. Such place of meeting may be changed once in two years by the same authority, after a hearing, on the petition of two of such clerks.

SEC. 27.‡ The clerks of cities, towns, and wards composing such districts, shall meet at noon on the day following an election for represent-

† Sections seven to twenty-four inclusive of chapter eight of the General Statutes are repealed by section 58 of this act.

Sections two to six, contained the provisions establishing the districts for the choice of councillors, senators and representatives, as they existed at the time of the passage of the General Statutes, which, having been superseded by later acts, are no longer in force.

Section one is printed at page 30 of this pamphlet.

‡ For a provision changing the law with reference to the time of the meeting of the clerks in districts composed of one or more wards of a city together with one or more towns, see section 3 of chapter 188 of the Acts of 1876, page 20 of this pamphlet.

atives, at the place so designated, and shall examine and compare such transcripts, and ascertain what persons have been elected. If any error appears in a transcript or return, the clerks shall forthwith give notice thereof to the officers required to make the return, and such officers shall forthwith, in conformity with the truth, and under oath, make a new return, which, whether made with or without such notice, shall be received and examined by said clerks within two days after the time appointed for the meeting; and for that purpose the meeting may be adjourned not exceeding two days. No return shall be rejected when the number of votes given for each candidate can be ascertained.

SEC. 28. Such clerks shall at such meeting make out under their hands a complete return of the names of all persons for whom votes were given in the district, and the number of votes for each person, and a record of the return shall be made in the book of records of their respective cities, towns, and wards within four days after the day of the meeting.

SEC. 29. When it is ascertained who is elected representative in a district, composed of one town or city, or one or more wards of a city, the selectmen or mayor and aldermen shall make out duplicate certificates thereof, one of which they shall transmit to the office of the secretary of the commonwealth on or before the first Wednesday in January following, and the other by a constable or other authorized officer to the person elected within ten days after the day of election.

10 *SEC. 30. When the clerks of cities, towns, and wards composing a district, at their meeting for the purpose, ascertain that a representative is elected in their district, they, or a majority of them, shall make out duplicate certificates thereof, one of which they shall deliver into the office of the secretary of the commonwealth on or before the first day of January following, and the other, by a constable or other authorized officer, transmit to the person elected within ten days after the day of election.

SEC. 31. Such certificates of election shall be in substance as follows:

COMMONWEALTH OF MASSACHUSETTS,
County of _____.

Pursuant to a law of this commonwealth, the qualified voters of representative district number _____, in their several meetings on the _____ day of November instant for the choice of representatives in general court, did elect _____, being inhabitants of said district, to represent them in the general court to be holden on the first Wednesday of January next.

Dated at _____ the _____ day of _____ in the year one thousand eight hundred and _____.

Such certificate shall have a return thereon, signed by the officer authorized to give such notice, and stating that notice of the choice was given to the persons therein mentioned, and that said persons were summoned to attend the general court accordingly.

SEC. 32. If it shall appear that no choice of representative has been effected by reason of two or more persons having the same number of votes, so that no person has a plurality, a certificate of the fact shall be transmitted to the secretary of the commonwealth by the same officers and in the same manner as is provided in sections twenty-nine and thirty of this act for one of the certificates of election in cases when an election is made.

SEC. 33. When a vacancy occurs in a representative district, the speaker of the house of representatives shall, in the precept which he may issue by order of the house giving notice of such vacancy, appoint a time for an election to fill the same. Upon the reception of such pre-

cept, the mayor and aldermen of a city and the selectmen of the towns comprising the district shall issue their warrants for an election on the day named in the precept; and similar proceedings shall be had in filling such vacancy as in the original election of representatives.

SEC. 34. The secretary of the commonwealth shall furnish to cities
11 and towns blank forms for certi* cates, transcripts, and returns required under this act. Such blanks for returns shall have printed thereon sections twenty-nine, thirty, thirty-one, and thirty-two of this act, and the first four sections of chapter two of the General Statutes.

SEC. 35.† In all returns of elections the whole number of ballots given in shall be distinctly stated in words at length; and blank pieces of paper shall not be counted as ballots: *Provided*, That the omission to state the whole number of ballots shall not make the return invalid in any case in which the true result of the election can be ascertained from the other parts of the return, *or by a recount made in conformity with the provisions of law*.

SEC. 36. Selectmen giving a certificate of election to a person voted for as representative to the general court not in accordance with the declaration of the vote in open town meeting at the time of the election shall forfeit three hundred dollars.

SEC. 37. Clerks willfully signing a certificate not in conformity with the result of an election, as apparent by the transcripts and returns, shall forfeit a sum not exceeding three hundred dollars.

SEC. 38. Towns and cities may provide suitable compensation to clerks and selectmen for services performed by them under the requirements of this act.

SEC. 39. In case of a vacancy in the office of town, city, or ward clerk, or any disability in such clerk to perform the duties required by this act, the selectmen, mayor, and aldermen, or board of aldermen, or warden may appoint a clerk *pro tempore*, who shall be sworn and perform such duties.

IV.—PROVISIONS RELATING TO THE PRESERVATION OF BALLOTS AND CHECK-LISTS IN CITIES.

SEC. 40. In all elections in cities, whether the same shall be for United States, State, county, city, or ward officers, it shall be the duty of the warden, or other presiding officer, to cause all ballots which shall have been given in by the qualified voters of the ward in which such election has been held, and after the same shall have been sorted, counted, declared, and recorded, to be secured in an envelope, in open ward-
12 meeting, and sealed with a *seal provided for the purpose; and the warden, clerk, and a majority of the inspectors of the ward shall indorse upon the envelope for what offices and in what ward the ballots have been received, the date of the election, and their certificate that all the ballots given in by the voters of the ward, and none other, are contained in said envelope.

SEC. 41. The warden, or other presiding officer, shall forthwith transmit the ballots, sealed as aforesaid, to the city clerk, by the constable in attendance at said election, or by one of the ward officers, other than the clerk; and the clerk shall retain the custody of the seal, and deliver the same, together with the records of the ward and other documents, to his successor in office.

† This section is printed with the amendment made by section 8 of chapter 188 of the acts of 1876, page 21 of this pamphlet.

SEC. 42.†

SEC. 43. In all elections in cities in which a check-list is required by law to be used, the warden or other presiding officer of each ward shall cause the check-list so used to be inclosed and sealed in an envelope in the same manner as the ballots cast at said election are required by law to be secured by section forty of this act, and the warden, clerk, and a majority of the inspectors in each ward shall certify on such envelope to the identity of the check-list so inclosed: *Provided*, That nothing in this act shall be construed to prevent the clerk of any city from furnishing a copy of a check-list after it has been used in any ward, upon the application of not less than ten legal voters resident therein; and immediately upon such copy being furnished the check-list shall be again sealed up.

SEC. 44. Whenever in any election the right of any person offering to vote is challenged for any cause recognized by existing laws, it shall be the duty of the warden or presiding officer, if the person challenging shall so demand, to require the person so offering to vote to write his name and residence upon the ballot so offered and challenged, and the warden or presiding officer shall add thereto the name of the person challenging the same, and the cause assigned therefor, before such ballot shall be received; and if such ballot shall be offered sealed, the writing as aforesaid may be upon the envelope covering the same, and

13 the warden or other presiding officer, in the presence of the clerk and at least one inspector, *shall mark and designate such ballot by writing thereon the name of the person by whom it was cast before it is counted, and at the close of the election the same shall be returned to the envelope in which it was deposited: *Provided*, That nothing contained in this section shall be so construed as to permit ward officers to receive any vote which, by existing laws, they are required to refuse.

SEC. 45. If any city clerk shall willfully neglect or refuse to comply with any of the requirements of the preceding five sections of this act, he shall be punished by a fine not exceeding two hundred dollars. And if any warden or other presiding officer, constable, or ward officer, as aforesaid, shall willfully neglect or refuse to comply with the provisions of said sections, he shall be punished by a fine of not less than twenty or more than two hundred dollars, or by imprisonment in the county jail for a term not exceeding one year.

V.—PROVISIONS RELATING TO THE PRESERVATION OF BALLOTS AND CHECK-LISTS IN TOWNS.

SEC. 46. At every election in towns for officers other than town officers, the selectmen shall cause all ballots given in, after having been counted, declared, and recorded, to be secured in an envelope and sealed, and they shall indorse on such envelope for what officers the inclosed ballots were cast, and at what election; and the same shall be sealed, indorsed, and delivered to the town clerk before the adjournment of the meeting at which the ballots were cast.

SEC. 47.‡

†This section repealed by chapter 188 of the acts of 1876, to which reference must be had for provisions of law relating to the preservation and destruction of ballots and recounts of votes, pages 20 and 21 of this pamphlet.

‡This section repealed by chapter 188 of the acts of 1876, to the first two sections of which reference must be had for provisions of law relating to the preservation and destruction of ballots and recounts of votes in towns, page 20 of this pamphlet.

SEC. 48. In all elections in towns in which a check-list is required by law to be used, (except elections for town officers,) the selectmen shall cause the check-list so used to be inclosed and sealed in an envelope, in the same manner, but not in the same envelope, as the ballots cast at said election are required by law to be secured by section forty-six of this act; and a majority of the selectmen shall certify on such envelope to the identity of the check-list so inclosed: *Provided*, That nothing in

14 this act shall be construed to prevent the selectmen from furnish-
 *ing a copy of a check-list after it has been used in any election, upon the application of not less than ten legal voters, resident therein; and immediately upon such copy being furnished the check-list shall be again sealed up, with a new certificate attached, by which the identity and original condition shall be certified by a majority of the selectmen.

SEC. 49. When the right of a person offering a ballot at any election in towns for officers, other than town officers, is challenged for any cause recognized by law, the selectmen, if they receive the same, shall require the voter to write his name and residence thereon, and they shall add thereto the name of the challenger and the cause assigned for challenging. And if such ballot shall be offered sealed, the writing as aforesaid may be upon the envelope covering the same; and the selectmen shall mark and designate such ballot by writing thereon the name of the person by whom it was cast, before it is counted, and at the close of the election the same shall be returned to the envelope in which it is deposited.

SEC. 50. Whoever willfully or negligently violates any provision of the four preceding sections of this act, shall be punished by a fine not exceeding two hundred dollars, or by imprisonment in the county jail not exceeding one year.

VI.—PROVISIONS RELATING TO THE ELECTION OF WARD OFFICERS IN CITIES.

SEC. 51. At each municipal election in any city, it shall be the duty of the ward officers of the several wards to make out and sign certificates of the election of such ward officers as are chosen at such election, in the manner now provided by law; and said certificates for each ward shall be placed in one envelope, indorsed "ward officers chosen in ward number ," and transmitted to the city clerk, who shall retain said envelopes unopened for twenty days subsequent to the day of said election, and he shall then open said envelopes and transmit said certificates to the persons who appear to be thus chosen.

SEC. 52. If within said twenty days a statement, in writing, is filed with the city clerk, signed by ten legal voters in any ward, stating that
 15 they believe that the warden, or clerk, or any inspector of elections
 of said ward, who has been declared elected, did not receive a *plurality of the votes cast on the preceding election day, it shall be the duty of the the city clerk to lay the same before the board of aldermen for the time being, who shall proceed to count the original ballots cast for such warden, clerk, or inspector, and shall declare the result, and shall issue a certificate to the person entitled thereto: *Provided*, That this act shall not apply to ward officers chosen to fill vacancies on election day.

SEC. 53.† If the charter of any city, or any act in amendment of such

† For a provision prohibiting the board of aldermen from declaring the result of an election before a certain time, any provision in the charter of a city to the contrary notwithstanding, see section 5 of chapter 188 of the acts of 1876; page 1 of this pamphlet.

charter, or otherwise relating to such city, contains any specific and particular provision inconsistent with such of the provisions of this act as apply to cities, such specific and particular provision shall continue in force in such city, anything in this act contained to the contrary notwithstanding: *Provided, however,* That all elections in cities which, by any act, are appointed to be held on Monday shall be held on the Tuesday next following such Monday.

VII.—CONCLUDING PROVISIONS.

SEC. 54. Until the close of the polls and the public declaration of the vote at an election in any city, no statement shall be made by any warden, inspector, or clerk, of the number of ballots cast, the numbers of voters present, the number of votes given for any person or for any officer, the name of any person who has voted, the name of any person who has been voted on, nor of any other fact tending to show the state of the polls.

SEC. 55. Any warden, ward clerk, or inspector violating the provisions of the preceding section of this act shall be punished by a fine of not more than one hundred dollars or imprisonment in the house of correction for twenty days.

SEC. 56. Nothing contained in the first section of this act shall be construed to limit or abridge the rights of Indians, and people of color heretofore known and called Indians, within this commonwealth, as declared by chapter one hundred and eighty-four of the acts of the year one thousand eight hundred and sixty-two, and chapter four hundred and sixty-three of the acts of the year one thousand eight hundred and sixty-nine.

16 *SEC. 57. Nothing contained in this act shall affect the validity of the provisions of chapter sixty of the acts of the present year, entitled an act to establish the board of registrars of voters of the city of Boston and to regulate the preparation and revision of the voting-lists in said city.

SEC. 58. Chapter six of the General Statutes, sections one, two, three, eight and nine of chapter seven of the General Statutes, and sections seven to twenty-four, inclusive, of chapter eight of the General Statutes, together with the several acts enumerated in the schedule hereto appended, are hereby repealed: *Provided,* That such repeal shall not revive any act heretofore repealed or superseded; and the provisions of this act, so far as they are the same as those of existing laws, shall be construed as a continuation of such laws, and not as new enactments; and references in laws not repealed to provisions of laws incorporated herein shall be construed as applying to the same provisions so incorporated.

SCHEDULE OF ACTS REPEALED.

An act of the year one thousand eight hundred and sixty :
Chapter 138. An act concerning municipal elections.

An act of the year one thousand eight hundred and sixty-one :
Chapter 145. An act defining the qualifications of voters for Representatives to Congress.

An act of the year one thousand eight hundred and sixty-two :
Chapter 180. Section first of an act relating to the election of town-officers.

Acts of the year one thousand eight hundred and sixty-three :
Chapter 144. An act concerning elections in cities.
Chapter 193. An act in relation to the election of moderators of town-meetings.

Acts of the year one thousand eight hundred and sixty-seven :
Chapter 50. An act in relation to the time of holding meetings for the election of certain officers.

Chapter 206. An act in addition to an act concerning the qualifications of electors.

Chapter 240. An act in relation to the election of ward-officers.

An act of the year one thousand eight hundred and sixty-eight:

Chapter 211. An act relating to the assessment of taxes.

Acts of the year one thousand eight hundred and sixty-nine:

Chapter 62. An act concerning elections in cities and towns.

Chapter 443. An act to repeal section one of chapter two hundred and eleven of the acts of the year eighteen hundred and sixty-eight, concerning the assessment of taxes.

An act of the year one thousand eight hundred and seventy-one:

Chapter 40. An act concerning the preservation of ballots in towns.

Acts of the year one thousand eight hundred and seventy-two:

Chapter 140. An act to change the time of holding the annual municipal elections in cities.

Chapter 261. An act in relation to the change of domicile of voters in cities.

Chapter 270. An act concerning elections in cities.

17 An act of the year one thousand eight hundred and seventy-three:

Chapter 376. An act to prevent fraud at elections in cities.

An act of the year one thousand eight hundred and seventy-four:

Chapter 20. An act concerning elections in cities.

SEC. 59. This act shall take effect upon its passage.

Approved June 29, 1874.

18

* [Act of 1875, chapter 188.]

AN ACT to amend section nine of chapter three hundred and seventy-six of the acts of the year eighteen hundred and seventy-four, concerning lists of voters in cities.

Be it enacted, &c., as follows:

SECTION 1. Section nine of chapter three hundred and seventy-six of the acts of the year eighteen hundred and seventy-four is hereby amended by inserting the word "second" before the word "day" wherever the latter word occurs in said section.

SEC. 2. In addition to giving the notice now required by said section, the mayor and aldermen of cities shall also, in their notices to the inhabitants of a meeting for any election, state the day of the month when registration will cease, and also that after the close of said registration no name will be entered on the check-list except as provided by the tenth section of the act of eighteen hundred and seventy-four aforesaid.

SEC. 3. This act shall take effect upon its passage.

Approved May 7, 1875.

20

* [Act of 1876, chapter 188.]

AN ACT in addition to an act relating to elections.

Be it enacted, &c., as follows:

PROVISIONS RELATING TO BOTH CITIES AND TOWNS.

SECTION 1. The clerk of each city and town shall receive the envelopes containing the ballots thrown at any election, sealed as provided in sections forty and forty-six of chapter three hundred and seventy-six of the acts of the year eighteen hundred and seventy-four, and shall retain them in his care until the requirements of this act, or of any act which may hereafter be passed in amendment hereof, have been complied with;

and as soon as may be thereafter the said clerk shall cause such ballots to be destroyed without examining them or permitting them to be examined by any person whatsoever, and shall make an entry in the records of the city or town that they have been so destroyed.

SEC. 2. If within thirty days next following the day of an election a person who received votes for any office at said election shall serve upon the clerk of any city or town, by himself, his agent or attorney, a statement in writing claiming an election to such office, or declaring an intention to controvert or dispute the election of any other person who has received, or who may receive, a certificate of election for the same, the clerk of such city or town shall retain the envelope containing the ballots thrown at such election, sealed as provided by law, subject to the order of the body to which either of said persons may claim or be held to have been elected, or until such claim shall have been withdrawn or such election shall have been decided by the authority competent to determine the same.

SEC. 3. Whenever a district for the election of a representative or representatives to the general court is composed of one or more wards of a city, together with one or more towns, the meeting of clerks prescribed by section twenty-seven of said chapter shall be held on the Tuesday next following the day of election, instead of being held on the day prescribed in said section; and all provisions of law relative to the meeting of the clerks shall apply to their meeting so held on said Tuesday, continued by adjournment not exceeding two days, if need be.

21

* PROVISIONS RELATING TO CITIES.

SEC. 4. If within three days next following the day of any election ten or more qualified voters of any ward shall file with the city clerk a statement in writing that they have reason to believe that the returns of the ward officers are erroneous, specifying wherein they deem them in error, said city clerk shall forthwith transmit such statement to the board of aldermen or the committee thereof appointed to examine the returns of said election. The board of aldermen, or their committee, shall thereupon, and within five days, Sunday excepted, next following the day of election, open the envelope and examine the ballots thrown in said ward, and determine the questions raised; they shall then again seal the envelope, either with the seal of the city or a seal provided for the purpose, and shall indorse upon said envelope a certificate that the same has been opened and again sealed by them in conformity to law; and the envelope, sealed as aforesaid, shall be returned to the city clerk. Said city clerk, upon the certificate of the board of aldermen or their committee, shall alter and amend such ward returns as have been proved to be erroneous, and such amended returns shall stand as the true returns of the ward.

SEC. 5. The board of aldermen shall not declare the result of an election until the time specified in the preceding section for filing a request for a recount of ballots shall have expired, or in case of such request having been made, until the said ballots have been examined and the returns amended, if found erroneous, any provision in the charter of any city or in any act in amendment thereof to the contrary notwithstanding.

SEC. 6. The clerk of each city shall cause to be furnished to the clerks of the several wards a seal of suitable device, the design for which shall include the number or designation of the ward for which it is

furnished; and said seal may be used in sealing the envelopes containing the ballots thrown at any election.

SEC. 7. Sections forty-two and forty-seven of said chapter are hereby repealed.

SEC. 8. Section thirty-five of said chapter is hereby amended by adding thereto, at the end thereof, "or by a recount made in conformity with the provisions of law."

SEC. 9. This act shall take effect upon its passage.

Approved April 26, 1876.

AN ACT relating to the preparation of the voting-lists and elections in cities.

Be it enacted, &c., as follows:

SECTION 1. In the several cities of this commonwealth it shall be the duty of the assessors to assess each inhabitant thereof who is liable to assessment for the payment of taxes as of the first day of May in each year in the ward of such city in which such inhabitant dwells or has his home.

SEC. 2. In the several cities of this commonwealth it shall be the duty of the officers or board charged with the preparation of the alphabetical list of voters to be used at elections to enter the name of each qualified voter upon the list for the ward in which he was assessed, or was liable to assessment, agreeably to the preceding section.

SEC. 3. If the assessors shall have assessed any person in another ward than the ward in which he claims to dwell or have his home, such person may, on or before the first day of September in any year, file with the officers or board charged with the preparation of the alphabetical list of voters a notice of his claim to be registered in some other ward, specifying the same; and as soon as may be after said first day of September the said officers or board shall notify said person, fixing a time and place of hearing; and after such hearing the said officers or board may change the ward of registry if need be in any case, and they shall forthwith, after such change, give notice thereof to the assessors; and the name of no person shall be registered in any other ward than that in which he was assessed, unless a claim for such registration shall have been filed as provided in this section.

SEC. 4. If a person possessing the qualifications prescribed by the constitution and laws for voting in any city of this commonwealth shall remove from one ward to another ward within the same city after the first day of May and prior to any election, he shall not lose his right to vote at such election by reason of such removal; but he shall have the right to vote in the ward in which he was assessed or was liable to assessment on the first day of May, as aforesaid, if he be otherwise qualified, and in no other ward; and said officers or board shall enter his name accordingly.

SEC. 5. The entry upon the voting-list of any ward, agreeably to the provisions of the foregoing section, *of the name of any person who has removed from such ward into another ward after the first day of May, and prior to any election, shall not be taken or held to be evidence that he is an inhabitant of the ward from which he has thus removed.

SEC. 6. Nothing contained in this act shall be construed to give the right to vote in any election in a city to any person who has ceased to

be an inhabitant of such city prior to such election, although he may have been assessed therein as of the first day of May preceding; and said officers or board, in the revision of the lists, shall erase the names of all persons who have thus ceased to be inhabitants of the city. If the person so removing shall become an inhabitant of any other city or town in this commonwealth, he may acquire the right to vote therein agreeably to the provisions of the constitution and laws respecting the qualifications of voters. When any person becomes an inhabitant of any city after the first day of May, and prior to any election, at which election he is entitled to vote agreeably to such provisions, said officers or board shall enter his name in the voting-list of the ward of which he shall become an inhabitant.

SEC. 7. No tax, the payment of which is otherwise due to any city, shall be made invalid by reason of any mistake of the assessors in ascertaining the ward in which the person from whom it is due should be assessed, or by reason of anything contained in this act, or the proceedings which may be had under its provisions.

SEC. 8.† Section two of chapter two hundred and forty-three of the acts of the year eighteen hundred and seventy-five is hereby amended by striking out the words "three able and discreet men, qualified voters in said ward," and inserting in lieu thereof the words "three able and discreet men, qualified voters and inhabitants in said ward."

SEC. 9. Sections eleven and twelve of chapter three hundred and seventy-six of the acts of the year eighteen hundred and seventy-four, and all other acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

SEC. 10. This act shall take effect upon its passage.

Approved April 28, 1876.

24 *PROVISIONS OF THE GENERAL STATUTES RELATING TO ELECTIONS
REMAINING IN FORCE.

I.—PROVISIONS RELATING TO ENVELOPES.

[General Statutes, chapter 7, §§ 4, 5, 6, 7.]

SECTION 4. The secretary of the commonwealth shall provide and keep constantly in his office a sufficient number of self-sealing envelopes to supply all the voters in the commonwealth, and shall furnish the same to the clerks of the several cities and towns when applied for. Such envelopes shall be of uniform size and color and bear the arms of the commonwealth, and no other envelopes shall be used at the polls.

SEC. 5. The city and town clerks shall obtain from the secretary such number of envelopes as may be sufficient to meet the wants of the voters of their respective cities and towns, and keep the same subject to the order of the selectmen of towns or the wardens and inspectors of cities.

SEC. 6. The ward officers in each city and the selectmen of each town shall obtain from the city or town clerks and provide at the polls on the day of election a sufficient number of such envelopes, and supply each person claiming to be a voter in said city or town, on his personal appli-

† This section is an amendment of an act of 1875, "to authorize the division of the city of Boston into twenty-four wards, and to fix the number of members of the common council," which act, as it relates exclusively to the city of Boston, is not inserted in this pamphlet.

cation, with such number as the pending election may require, and return to the clerk all envelopes not used.

SEC. 7. Whoever willfully claims to be a voter, knowing that he is not a voter where the claim is made, and by reason thereof fraudulently obtains an envelope from the persons having the custody of the same on the day of the election, shall be liable to a fine of not less than ten nor more than fifty dollars.

II.—GENERAL PROVISIONS APPLYING TO ELECTIONS.

[General Statutes, chapter 7, §§ 10-36.]

SEC. 10. The selectmen shall not be answerable for refusing the
25 vote of any person whose name is not on the *list of voters, unless such person, before offering his vote, furnishes them with sufficient evidence of his having the legal qualifications of a voter at such meeting, and requests them to insert his name on said list.

SEC. 11. The moderator of a town meeting shall receive the votes of all persons whose names are borne on the list of voters as certified by the selectmen, and shall not be answerable for refusing the vote of a person whose name is not on said list.

SEC. 12. No vote shall be received by the presiding officers at any election provided for in this chapter [that is, at any election for national, State, district, county, city, or town officers] unless presented for deposit in the ballot-box by the voter in person in a sealed envelope, or open and unfolded, and so that such officers can know but one ballot is presented.

SEC. 13. Votes for different persons for the same office found in one envelope shall not be counted, and if more than one vote for the same person for the same office is found in one envelope, but one such vote shall be counted, and no vote shall be counted which does not clearly indicate in writing the office for which the person voted for is designed, except when but one officer is voted for.

SEC. 14. In all elections of civil officers by the people, the person or persons having the highest number of votes shall be deemed and declared to be elected; but no persons receiving the same number of votes shall be deemed to be elected, if thereby a greater number would be elected than required by law.

SEC. 15. The votes in elections for national, State, county, and district officers shall be received, sorted, and counted by the selectmen, and by the ward officers, and public declaration made thereof in open town and ward meetings. The names of persons voted for, the number of votes received for each person, and the title of the office for which he is proposed, shall be entered in words at length by the town and ward clerks in their records.† The ward clerks shall forthwith deliver to the city clerks certified copies of such records, who shall forthwith enter the same in the city records.

26 *SEC. 16. *The mayor and aldermen and the clerk of each city shall forthwith, after an election, examine the returns made by the returning officers of each ward in such city, and if any error appears therein they shall forthwith notify said ward officers thereof, who shall forthwith make a new and additional return, under oath, in conformity to truth, which additional return, whether made upon notice or by such

† See section 35 of chapter 376, acts of 1874, relating to elections, page 11 of this pamphlet, which requires *the whole number of ballots* also to be stated in words at length; provided, &c.

officers without notice, shall be received by the mayor and aldermen or city clerk at any time before the expiration of the day preceding that on which by law they are required to make their returns or to declare the results of the election in said city; and all original and additional returns so made shall be examined by the mayor and aldermen and made part of their returns of the results of such election. In counting the votes in an election no returns shall be rejected when the votes given for each candidate can be ascertained.

SEC. 17.† City and town clerks shall, within ten days from the day of an election for governor, lieutenant-governor, councillors, senators, secretary, treasurer, and receiver-general, auditor, attorney-general, Representatives in Congress, commissioners of insolvency, sheriffs, registers of probate and insolvency, district-attorneys, or clerks of courts, transmit copies of the records of the votes, attested by them, certified by the mayor and aldermen or selectmen and sealed up, to the secretary of the commonwealth; they shall in like manner, within ten days after an election for county treasurer or register of deeds, transmit such copies of the records of the votes to the county commissioners of their several counties; and within seven days after an election for county commissioners, transmit such copies of the records of the votes to the clerks of the courts for their several counties; but in Suffolk the return of votes for register of deeds shall be made to the board of aldermen of Boston, and in Chelsea, North Chelsea,‡ and Winthrop the returns of votes for county commissioners shall be made to the clerk of the courts for the county of Middlesex. Or within three days after such elections, such

27 clerks may deliver such copies, sealed up, to the sheriffs of their several counties, who, within seven *days after receiving them, shall transmit them to the office of the secretary, and to the county commissioners, board of aldermen, and clerks of courts, as severally above designated.

SEC. 18. Proof that a return of votes was properly directed to the person to whom it was required to be transmitted or delivered, and mailed within forty-eight hours after closing the polls, shall be a bar to any complaint for delinquency.

SEC. 19. When a return of votes from a city or town is received at the office of the secretary of the commonwealth not sealed up as by law required, he shall forthwith give notice thereof to the returning-officers; who upon the receipt of such notice shall make a copy of their record of the votes at said election and transmit the same, certified by them under oath to be correct, to the secretary, sealed up as required by law in the case of original returns. If such copy is received by the secretary before the day on which by law the returns are to be opened and the votes counted, and if, upon opening said copy by the governor and council, the legislature, or any person authorized so to do, the original return is found in substantial conformity therewith, it shall not be rejected because of informality.

SEC. 20. The secretary shall annually furnish to the several clerks of the cities and towns blank forms and envelopes for all returns of votes required to be made to his office, with such printed directions on the envelopes as he deems necessary for the guidance and direction of such officers in making the returns according to law.

† Sections 16 and 17 must be taken in connection with the provisions of law authorizing a recount of votes in certain cases and that prohibiting the declaration of the result of an election *in a city* before a specified time in certain cases. See pages 20 and 21 of this pamphlet.

‡ The name of the town of North Chelsea has been changed to Revere.

SEC. 21. A memorandum of the date of the reception of all returns of votes at the secretary's office shall be made at said office on the envelopes containing them; and if a return required to be sealed up is received unsealed, the secretary shall make a memorandum of such fact upon said return.

SEC. 22. The secretary upon receiving such returned copies shall transmit them as received with their seals unbroken to the governor and council; and the governor with five at least of the council shall, as soon as may be, examine them; and he shall issue his summons to such persons as appear to be chosen to the offices of governor, lieutenant-governor, councilors, secretary, treasurer and receiver-general, auditor, attorney-general, and senators; and to such persons as appear to be chosen members of Congress, commissioners of insolvency, sheriffs, registers of probate and insolvency, district attorneys and clerks of the courts, he shall forthwith transmit a certificate of such choice, signed by the governor and countersigned by the secretary.

SEC. 23. The governor shall in the presence of at least five councilors make and subscribe a certificate of the examination of the returns of votes for governor, lieutenant-governor, and councilors, required by article sixteen of the amendments of the constitution, and of the result of said examination.

SEC. 24. After such examination, the returns shall be replaced in their respective envelopes, which with the returns and such certificate the governor shall deliver to the secretary, and the secretary on the first Wednesday of January shall lay the same, together with schedules showing the number of ballots which appear to have been cast for each person voted for, before the senate and house of representatives.

SEC. 25. On the first Wednesday of the month succeeding an election for county commissioner, the board of examiners for the county for which the election was held shall meet; and the clerk of the courts shall present the returned copies of votes at such election; and the board shall open and examine them and notify the person chosen of his election. If such board or clerk willfully neglects to perform any duty required of them under this section, each of them so neglecting shall forfeit a sum not exceeding two hundred dollars.

SEC. 26. The board shall within three days after such examination file such copies in the office of the clerk; and any one of them willfully detaining in his custody such a copy three days after the time for filing it has expired shall forfeit fifty dollars and the same sum for each succeeding day of such detention; and the clerk shall notify the attorney-general of every neglect so to file, and every such detention.

SEC. 27. County commissioners shall, on the first Wednesday of January after an election for county treasurer or register of deeds in their county, open and examine the returned copies of votes at such election, and notify the person chosen of his election; but in Suffolk the
29 board of aldermen of Boston, within ten days after an *election for register of deeds for said county, shall so open and examine the votes of such election, and notify the person chosen.

SEC. 28. Whoever knowing that he is not a qualified voter at an election willfully votes for any officers to be then chosen, shall forfeit a sum not exceeding one hundred dollars for each offense.

SEC. 29.†

SEC. 30. Whoever willfully gives a false answer to the selectmen or

* This section was repealed by act of 1874, chapter 356; that act is not printed in this pamphlet, having been repealed by act of 1876, chapter 172, which contains the provisions of law now in force with reference to illegal voting, and which is printed page 19 of this pamphlet.

moderator presiding at an election, shall forfeit for each offense a sum not exceeding one hundred dollars.

SEC. 31. Whoever by bribery, or threatening to discharge from his employment, or to reduce the wages of, or by a promise to give employment or higher wages to a person, attempts to influence a qualified voter to give or withhold his vote in an election, shall be punished by fine not exceeding three hundred dollars, or by imprisonment in the county jail or house of correction for a term not exceeding one year, or both, at the discretion of court.

SEC. 32. Whoever willfully aids or abets any one, not legally qualified, in voting or attempting to vote at an election, shall forfeit a sum not exceeding fifty dollars for every such offense.

SEC. 33. Whoever is disorderly in a meeting held for an election mentioned in this chapter, shall forfeit a sum not exceeding twenty dollars.

SEC. 34. If a city or town officer willfully neglects or refuses to perform the duties required of him respecting elections by the provisions of this chapter, he shall, for each offense, forfeit a sum not exceeding two hundred dollars.

SEC. 35. The clerk of any city or town who fails to make return of the votes given therein in conformity with the provisions of law, shall be liable to a fine of not less than five, and not more than fifty dollars.

SEC. 36. Elections in cities shall be conducted according to the provisions of the acts establishing them, and of the several acts in addition thereto, so far as they are not inconsistent with the provisions of this chapter.†

30

* III.—THE DAY OF ELECTION.

[General Statutes, Chapter 8, § 1.]

SECTION 1. The governor, lieutenant-governor, councilors, secretary treasurer and receiver-general, auditor, attorney-general, and senators and representatives in the general court, shall be elected annually on the Tuesday next after the first Monday of November, as prescribed in the constitution.

IV.—ELECTION OF REPRESENTATIVES IN CONGRESS.

[General Statutes, Chapter 9,† §§ 3--8.]

SEC. 3. The mayor and aldermen and selectmen of the several cities and towns shall, as provided in *chapter seven*, [sections nineteen, twenty, and twenty-one of the act relating to elections.‡] call meetings to be held on the Tuesday next after the first Monday in November, in the year one thousand eight hundred and sixty, and thence afterwards, biennially, on the Tuesday next after the first Monday in November, for the voters to give their votes for Representatives in Congress.

SEC. 4. The clerks, in making their returns of votes for Representatives to Congress under section fifteen of chapter seven,|| shall trans-

† See section 53 of the general act of 1874 relating to elections, at page 15 of this pamphlet; see also the acts of 1876, chapters 188 and 225, at pages 20 and 22 of this pamphlet.

‡ Sections 1 and 2 of chapter 9 of the General Statutes contain the provisions establishing the districts for the choice of Representatives in Congress, as they existed at the time of the passage of the General Statutes, and having been superseded by later acts, are no longer in force.

§ See these sections of the general act of 1874, relating to elections, at page 7 of this pamphlet.

|| Unrepealed section. See page 25 of this pamphlet.

mit them in envelopes expressing on the outside the district in which the votes were given.

SEC. 5. In case of no choice in a congressional district, the governor shall cause precepts to issue to the mayor and aldermen and selectmen of the several cities and towns in the district, directing them to call a new meeting on the day appointed in such precept, for the voters to give their votes for a Representative in Congress. The precept shall be accompanied with a list of all the persons voted for in the district who received fifty votes or more according to the next preceding return, and shall show the number of votes for each of such persons; similar
31 proceedings shall be had thereon, and the same returns* made as in an original election; and the like proceedings shall be repeated as often as occasion may require.

SEC. 6. When a vacancy happens in the representation of this commonwealth in Congress, the governor shall cause precepts to issue for a new election in the district where the vacancy exists; and similar proceedings shall be had thereon as in an original election.

SEC. 7. The several sheriffs, upon receiving precepts from the governor for the election of a Representative in Congress, shall seasonably transmit them to the officers of the towns or cities within their respective counties to whom they are directed.

SEC. 8. If any city or town officer willfully neglects or refuses to perform any duty required of him in this chapter, he shall forfeit for each offense a sum not exceeding two hundred nor less than thirty dollars.

V.—ELECTORS OF PRESIDENT AND VICE-PRESIDENT OF THE UNITED STATES.

[General Statutes, Chapter 9, §§ 9-18.]

SEC. 9. In each year, when the election of President and Vice-President of the United States takes place, there shall be chosen as many electors of President and Vice-President as the commonwealth is at such time entitled to.

SEC. 10. The mayor and aldermen and selectmen of the several cities and towns shall in the manner provided in *section three of chapter seven*, [sections nineteen, twenty, and twenty-one of the act relating to elections,†] call meetings to be held on the Tuesday next after the first Monday in November of such year, for the voters to give their votes for the whole number of electors to which the commonwealth is entitled.

SEC. 11. The names of all the electors to be chosen shall be written on each ballot, and each ballot shall contain the name of at least one inhabitant of each congressional district into which the commonwealth shall be then divided, and shall designate the congressional district to which he belongs.

SEC. 12. Votes for electors shall be counted, recorded, certified,
32 sealed, and transmitted to the secretary* of the commonwealth, as provided in sections fifteen, sixteen, and seventeen of chapter seven.‡

SEC. 13. The governor and council shall open and examine such returns and count the votes, and the several persons who have received the highest number of votes so returned shall be declared elected, and

† See these sections of the general act of 1874 relating to elections, at page 7 of this pamphlet.

‡ Unrepealed sections. See pages 25 and 26 of this pamphlet.

the governor shall forthwith transmit to each person so chosen a certificate of his election.

SEC. 14. If, upon examination of the votes, it appears that a majority of the whole number of electors are not chosen, the governor shall forthwith by proclamation call the legislature together, which shall, by joint ballot of the senators and representatives assembled in one room, choose as many electors as are necessary to complete the full number.

SEC. 15. The electors shall convene at the state-house in Boston on the Tuesday preceding the first Wednesday of December following their election, at three o'clock in the afternoon. In case of the death or absence of an elector, or in case the number of electors is deficient, the electors present shall forthwith elect from the citizens of the commonwealth so many persons as shall supply the deficiency.

SEC. 16. The electors so convened shall, on said first Wednesday of December, vote by ballot for one person for President and one person for Vice-President of the United States, one of whom, at least, shall not be an inhabitant of this commonwealth. They shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President and Vice-President, and of the number of votes given for each; which lists they shall sign, and certify, and transmit, sealed up, to the seat of the Government of the United States, directed to the President of the Senate; and they shall in all respects proceed conformably to the Constitution and laws of the United States.

SEC. 17. Each elector shall receive three dollars a day for attendance, and the same compensation for travel as is allowed to a member of the general court.

SEC. 18. All laws in relation to the duties of sheriffs, city and town officers, and voters in the election of civil officers, shall, as far as
33 the same may be applicable, * apply to the meetings and elections held respecting the choice of electors of President and Vice-President of the United States; and like penalties shall be incurred for the violation thereof.

INDEX.

[The page figures refer to pages of the original, indicated on the margin.]

A.

	Page.	Sect.
Aldermen, board of, to determine result in case of disputed election in cities	21	4
when may declare result of election	21	5
Alphabetical list of voters. (See Voters, alphabetical list of.)		
Assessment of taxes upon polls and estates	4	6
Assessment of taxes in ward where inhabitant dwells	22	1
in wrong ward may be rectified	22	3

B.

Ballots, whole number given in to be stated in words at length in returns of elections	11	35
blank pieces of paper not to be counted as	11	35
Ballots in cities to be sealed up and indorsed after having been counted, declared, etc	11	40
to be transmitted, sealed up, to city clerk	12	41
clerks to retain ballots the required time, and then cause them to be destroyed without examination	20	1
to be retained until a disputed election is determined	20	2
recount of, for ward officers	15	52
recount of, in case of disputed elections	21	4

	Page.	Sect.
Ballots, statement of number cast not to be made by ward officers before polls are closed, under penalty.....	15	54, 55
to be retained until disputed election is determined.....	20	2
Ballots in towns, other than for town officers, to be sealed up and indorsed after having been counted, declared, etc.....	13	46
clerks to retain ballots the required time, and then cause them to be destroyed without examination.....	20	1
to be retained until a disputed election is determined.....	20	2
Ballots and check-lists, preservation of, penalties for violations of provisions concerning.....	14	50
Board of examiners to examine votes for county commissioners, and notify persons elected.....	28	25
penalty on, for neglect, etc.....	28	25, 26
Boston, city of, voting-list and registrars of voters in.....	16	57
common-councilmen to be qualified voters and inhabitants in ward.....	23	8
Bribes or threats, penalties for attempting to influence voters by.....	29	31

C.

Certificates of election of ward officers to be transmitted to city clerk, and retained unopened for twenty days.....	14	51
Certificates of election of representative in district composed of one town or city, etc., to be made in duplicate by selectmen, etc.....	9	29
Certificates of election of representative in district composed of cities, towns, wards, etc., to be made and transmitted in duplicate by clerks.....	10	30
form of such certificate.....	10	31
Challenge of right of person to vote in cities, duty of presiding officer..	12	44
Challenge of right of person to vote in towns, duty of selectmen.....	14	49
Charters of cities, specific provisions in, to remain in force.....	15	53
Check-lists. (See Voters, alphabetical list of.)		
Cities to be furnished with blank forms for certificates, transcripts, and returns.....	10	34
mayor and aldermen of, to make and post up alphabetical lists of voters ten days before elections.....	4	7
mayor and aldermen of, to be in session second day before election, to correct voting-lists.....	5	9
to give notice of time and place of holding session.....	5	9
to give notice of the day of the month when registration of voters will cease.....	18	2
disputed elections in, recount of ballots.....	21	4
result of election, when may be declared.....	21	5
list of voters in, addition of names to, after being placed in hands of ward officers.....	5	10
check-lists used at elections in, to be sealed up, etc.....	12	43
right to vote in, challenge of, duty of warden.....	12	44
Cities, charters of, specific provisions contained in, to remain in force....	15	53
elections to be conducted according to provisions of, unless inconsistent, etc.....	29	36
meetings in, for election of national, State, district, and county officers to be called as provided in charters.....	7	20
ballots cast in, to be sealed up and indorsed.....	11	40
to be transmitted to city clerk by presiding officer.....	12	41
City clerks to make returns of votes to secretary of the commonwealth within ten days after day of election.....	{ 26	17
to make returns of votes for county treasurer and register of deeds to county commissioners within ten days.....	{ 31	12
to make returns of votes for county commissioners to clerks of courts within seven days.....	26	17
penalty on, for failing to make returns of votes.....	29	35
to return votes for Representatives in Congress in envelopes, expressing on the outside the district in which votes were given.....	30	4
penalty on, for neglect.....	13	45
to retain certificates of election of ward officers unopened for twenty days after election.....	14	51
duties in relation to recount of ballots for ward officers.....	14	52
to retain ballots the required time, and then cause them to be destroyed without examination.....	20	1

	Page.	Sect.
City clerks to retain ballots until a disputed election is determined.....	20	2
to procure for use of voters self-sealing envelopes.....	24	5
to provide suitable seals for use of ward clerks.....	21	6
to enter upon city records the copies of records of elections furnished by ward clerks.....	{ 25 31	15 12
to examine returns of elections, etc.....	26	16
City of Boston, common-councilmen to be qualified voters and inhabitants in ward.....	23	8
voting lists and registrars of voters in.....	16	57
Civil officers, election of, person having highest number of votes to be deemed to be elected.....	25	14
Clerks of cities to provide seals for use of ward clerks.....	21	6
to procure self-sealing envelopes for use of voters.....	24	5
to enter upon city records the copies of records of elections fur- nished by ward clerks.....	25	15
to examine returns of elections, etc.....	26	16
to make returns of votes to secretary of the commonwealth within ten days from day of election.....	{ 26 31	17 12
to make returns of votes for county treasurer and register of deeds to county commissioners within ten days.....	26	17
to make returns of votes for county commissioners to clerks of courts within seven days.....	26	17
penalty on, for failing to make returns of votes.....	29	35
to transmit returns of votes for Representatives in Congress in en- velopes, expressing on the outside the district in which votes were given.....	30	4
to retain ballots until a disputed election is determined.....	20	2
to cause ballots to be destroyed without examination after having been kept the required time.....	20	1
penalty on, for neglect.....	13	45
to retain certificates of election of ward officers unopened for twenty days after election.....	14	51
duties in relation to recount of ballots for ward officers.....	14	52
Clerks of cities, towns, etc., penalty on, for signing false certificates, etc. vacancies in office of, may be filled by appointment <i>pro tempore</i>	11	37
may be compensated for services.....	11	39
Clerks of cities, towns, and wards composing part of representative dis- trict to be furnished with transcript of record of vote for repre- sentatives to the general court.....	8	25
place of meeting of, to ascertain result of election, to be designated by commissioners.....	9	26
to meet at noon on day following election, and ascertain what per- sons have been elected.....	9	27
to meet on Tuesday next following election, when district is com- posed of one or more towns, and one or more wards of a city.....	20	3
to make out return of names of persons voted for, and number of votes for each person; which return is to be recorded.....	9	28
to make and transmit duplicate certificates of election.....	10	30
to certify to the secretary of the commonwealth when there is no choice.....	10	32
Clerks, penalty on, for neglect in making returns, etc.....	28	25
of towns to procure self-sealing envelopes for use of voters.....	24	5
to record, in words at length, names of persons voted for, number of votes for each, and title of office.....	25	15
to make returns of votes to secretary of the commonwealth within ten days from day of election.....	{ 26 31	17 12
to make returns of votes for county treasurers and registers of deeds to county commissioners within ten days.....	26	17
to make returns of votes for county commissioners to clerks of courts within seven days.....	26	17
penalty on, for failing to make returns of votes.....	29	35
to transmit returns of votes for Representatives in Congress in en- velopes, expressing on the outside the district in which votes were given.....	30	4
Clerks of wards to be provided with suitable seals.....	31	6
to record, in words at length, names of persons voted for, number of votes for each, and title of office.....	25	15
to forthwith deliver copies of such records to city clerks.....	25	15

	Page.	Sect.
Collectors of State and county taxes to keep account of names of persons paying such taxes, and to give receipt upon request.....	4	3
to return to mayor and aldermen and selectmen, twice a year, lists of persons who have paid taxes	4	4
penalty for neglect or making false return of lists of voters.....	4	5
Common councilmen, in Boston, to be qualified voters and inhabitants in wards	23	8
Compensation of presidential electors	32	17
Compensation of selectmen and town clerks	11	38
Congress, Representatives in, elected biennially on the Tuesday next after the first Monday in November	30	3
returns of votes to be transmitted in envelopes, expressing the district on the outside.....	30	4
proceedings in case of no choice.....	20	5
proceedings in case of vacancies.....	31	6
sheriffs to transmit precepts for elections.....	31	7
penalty on city or town officer for neglect, etc	31	8
Constitution of the United States, reference to.....	32	16
County commissioners, return of votes for, to be made to clerks of courts within seven days.....	26	17
returns to be examined by board of examiners	28	25
to examine votes for county treasurers and registers of deeds, and notify persons elected	28	27
County treasurers, return of votes for, to be made to county commissioners within ten days.....	26	17
county commissioners to examine votes for, and notify persons elected	28	27
in Suffolk, votes for, to be examined, etc., by board of aldermen of Boston.....	28	27

D.

Disorderly conduct at meetings for elections, penalty for.....	29	33
Disputed elections in cities, recount of ballots	21	4
when result may be declared.....	21	5

E.

Election of civil officers, persons having highest number of votes to be deemed elected.....	25	14
Electors of President and Vice-President of the United States to be chosen.....	31	9
meetings to be held on Tuesday next after the first Monday in November	30	10
names to be on one ballot, and name of at least one inhabitant of each district	31	11
votes for, to be sorted, counted, etc., and transmitted to the secretary of the commonwealth.....	31	12
votes to be counted by governor and council, and certificate of election to be transmitted by governor	32	13
if majority of, are not chosen by the people, remaining number to be chosen by legislature	32	14
to convene on Tuesday preceding the first Wednesday of December following their election.....	32	15
to vote for President and Vice-President, and certify and transmit their votes to seat of Government.....	32	16
compensation for travel and attendance.....	32	17
duties of sheriff and city and town officers in relation to election of.....	32	18
Envelopes for return of votes to be furnished to clerks of cities and towns by secretary of the commonwealth	27	20
memorandum to be made upon, of date of reception in office of secretary	27	21
to have expressed upon outside the district in which votes were given for Representative in Congress.....	30	4
Envelopes, self-sealing, to be supplied for use of voters.....	24	4
to be of uniform size and color, and none other to be used at the polls	24	4

	Page.	Sect.
Envelopes, self-sealing, to be furnished to city and town clerks by secretary of the commonwealth	24	4
to be furnished to selectmen and ward officers by town and city clerks	24	6
penalty for fraudulently obtaining	24	7
Examiners, board of, to examine returns of votes for county commissioners, and to notify persons elected	28	25
penalty on, for neglects, etc	28	25, 26
F.		
False answer, penalty for giving, to selectmen or moderator	29	30
False name or false answer, penalty for giving to mayor and aldermen or selectmen	6	16
G.		
Governor, with five at least of the council, to examine returns of votes..	27	22
in the presence of five at least of the council, to subscribe a certificate of examination, and of the result thereof	28	23
to issue precept for election in case of vacancy or no choice in representation in Congress	30	5
with the council, to examine returns, etc., for presidential electors, and governor to notify persons elected	31	6
and other State officers elected annually on the Tuesday next after the first Monday of November	32	13
	30	1
I.		
Illegal aiders and abettors, punishment of	29	32
Indians, rights of, not to be abridged	15	56
L.		
List of persons who have paid taxes to be furnished by collectors, twice a year, to mayor and aldermen and selectmen	4	4
voters. (See Voters, alphabetical list of.)		
M.		
Mayor and aldermen to make and post up alphabetical lists of voters ten days before elections	4	7
to be in session second day before election to correct voting-lists...	5	9
to give notice of time and place of holding session	5	9
to give notice of the day of the month when registration will cease.	18	2
to require production of naturalization-papers before placing name upon voting-list	6	15
not to be answerable for omissions from list, if names are entered as furnished by collector	6	17
to make and transmit duplicate certificates of election of representative from district composed of a city, etc	9	29
Mayor and aldermen and city clerk to examine returns of elections made by ward officers, and if faulty, to require new returns	26	16
Meetings for elections of all officers, presiding officers at, to be provided with list of persons entitled to vote	7	23
penalty for disorderly conduct at	29	33
Meetings in cities for election of national, State, district, and county officers to be called according to provisions of charters	7	20
ward officers to receive, sort, and count votes, and make public declaration thereof in open meeting	25	15
warrant to specify hours when polls shall be opened and closed	7	20
for election of ward officers, certificates of their election to be made and transmitted to city clerk	14	15
for election of Representatives in Congress	30	3
for choice of presidential electors	31	10
votes to be received, sorted, and counted, and public declaration made in open meeting	25	15

	Page.	Sect.
Meetings in towns for election of national, State, district, and county officers to be called by selectmen in manner ordered by towns.....	7	21
selectmen to preside at	7	22
selectmen to receive, sort, and count votes, and make public declaration thereof in open meeting.....	25	15
for election of Representatives in Congress.....	30	3
for choice of presidential electors	31	10
Meetings in towns, cities, and wards for election of representatives to the general court, warrant to direct that voters be notified to bring in votes upon one ballot, etc	8	24
Meetings in cities and towns for election of national, State, district, and county officers may be opened as early as seven o'clock a. m., and <i>must</i> be opened as early as two o'clock p. m.	7	19
Moderators of town meetings, check-list to be used at election of	8	23
not answerable for refusing vote, if name is not on list.....	25	11

N.

Name, false, or false answer, penalty for giving	6	16
Naturalization-papers to be produced for inspection before name is placed on voting-list	6	15

O.

Officers, city or town, penalty on, for neglect of duty.....	{ 6 29 31	18 34 8
Officers, civil, election of, person having highest number of votes to be deemed elected	25	14

P.

Penalty on board of examiners for neglect, etc.....	28	25, 26
on clerk of courts for neglect, etc	28	25
on city or town officers for neglect of duty	6	18
on city or town officers for neglect, etc., concerning election of Representative in Congress	31	8
on selectmen for giving false certificate of election of Representative.....	11	36
on city clerk for neglect, etc.....	13	45
on ward officers for stating number of votes cast during progress of election	15	55
on city or town clerks for failing to make return of votes, etc.....	29	35
on city or town officers for neglect, etc.....	29	34
on clerks for giving false certificate of election.....	11	37
on collector for neglect or making false return	4	5
for fraudulently obtaining the self-sealing envelopes furnished by the State for use of voters	24	7
for violating provisions concerning the preservation of ballots and check-lists	14	50
for giving false name or false answer to mayor and aldermen or selectmen	6	16
for aiding and abetting person voting illegally.....	29	32
for disorderly conduct at elections.....	29	33
for voting, if not qualified	29	28
for giving false answer to selectmen or moderator presiding at an election.....	29	30
for attempting to influence voters by bribes or threats.....	29	31
Plurality of votes, person having highest number of votes to be deemed to be elected.....	25	14
Polls, opening and closing in cities	7	19, 20
opening and closing in towns.....	7	21
Precept giving notice of vacancy in representative district to be issued by speaker, by order of the house.....	10	33
President and Vice-President of the United States, electors of, to be chosen.....	31	9
meetings to be held on the Tuesday next after the first Monday in November.....	31	10
names to be on one ballot and name of at least one inhabitant of each district	31	11

	Page.	Sect.
President and Vice-President of the United States, votes for, to be counted by governor and council, and certificate of election to be transmitted by governor.....	32	13
if majority of, are not chosen by the people, remaining number to be chosen by legislature	32	14
to convene on Tuesday preceding the first Wednesday of December following their election	32	15
votes for, to be sorted, counted, etc., and transmitted to the secretary of the commonwealth.....	31	12
to vote for President and Vice-President, and certify and transmit their votes to seat of Government.....	32	16
compensation for travel and attendance.....	32	17
duties of sheriff and city and town officers in relation to election of.....	32	18
Presiding officers at elections to be furnished with a list of persons entitled to vote.....	7	23
Presiding officers at elections in cities to cause ballots to be sealed up, after having been counted, declared, etc	11	40
to transmit ballots, sealed up, to city clerk.....	12	41
to cause check-list used at elections to be sealed up, etc.....	12	43
duty of, when right of person to vote is challenged	12	44
Q.		
Qualification of voters	3	2
R.		
Register of deeds, return of votes for, to be made to county commissioners within ten days.....	26	17
county commissioners to examine votes, and notify person elected..	28	27
in Suffolk, votes to be examined, etc., by board of aldermen of Boston.....	28	27
Registrars of voters and voting-lists in Boston.....	16	57
Registration of voters in cities, notice to be given when it will cease....	18	2
Registration of voters. (See Voters, alphabetical list of.)		
Representatives in Congress to be elected biennially on the Tuesday next after the first Monday in November.....	30	3
returns of votes to be made in envelopes, expressing the district on the outside.....	30	4
proceedings in case of no choice.....	30	5
proceedings in case of vacancies.....	31	6
sheriffs to transmit precepts for elections.....	31	7
penalty on city or town officer for neglect, etc.....	31	8
Representative districts not contained in or consisting of one town or city, place to be designated where clerks shall meet to ascertain the result of election.....	8	26
place of meeting may be changed once in two years.....	9	26
upon vote being recorded, transcript of record to be delivered to respective clerks	8	25
clerks to meet at noon on the day following election, and ascertain what persons have been elected.....	9	27
clerks to make out return of names of persons voted for, and number of votes for each person; which return is to be recorded....	9	28
Representative district, composed of one town or city, or one or more wards of a city, duplicate certificates of election to be made by selectmen, etc.....	9	29
Representative district, composed of one or more towns and one or more wards of a city, clerks to meet on Tuesday next following election to ascertain result.....	20	3
Representatives to the general court, warrants for meetings for election of, to direct that voters be notified to bring in their votes upon one ballot, etc.....	8	24
form of certificate of election.....	10	31
when there is no choice, fact to be transmitted to the secretary of the commonwealth.....	10	32
Representatives, when vacancy occurs, speaker to appoint time for election, when ordered by the house.....	10	33
Returns of elections, whole number of ballots to be stated in words at length	11	35
Returns of elections made by ward officers to be examined by mayor and aldermen and city clerk, etc.....	26	16
Returns of votes for presidential electors.....	31	12

	Page.	Sect.
Returns, governor and council to examine returns and count votes, etc., and notify persons elected.....	32	13
Returns of votes for governor, etc., when received unsealed, secretary to notify officers to make new return.....	27	19
memorandum of date of reception at secretary's office to be made upon envelope.....	27	21
to be transmitted by secretary, with seals unbroken, to governor and council.....	27	22
to be examined by governor and five at least of the council.....	27	22
to be replaced in envelopes, and, with certificate, to be delivered to secretary.....	28	24
to be laid before senate and house by secretary, together with schedules showing number of ballots cast, etc.....	28	24
Returns of votes for county commissioners, board of examiners to open and examine, and to notify persons elected.....	28	25
Returns of votes for county treasurer and register of deeds, county commissioners to examine, and to notify persons elected.....	28	27
Returns of votes for Representatives in Congress to have expressed on the outside of envelope the district in which votes were given....	30	4
Returns of votes by mail.....	27	18
S.		
Seals to be provided for ward clerks.....	21	6
Secretary of the commonwealth to furnish clerks of cities and towns with blanks and envelopes for returns of votes.....	27	20
memorandum of date of reception of return to be made in office of..	27	21
to transmit returns, with seals unbroken, to governor and council..	27	22
to issue summons to such persons as appear to be elected governor, lieutenant-governor and councilors, etc.....	27	22
to give notice to returning-officers when return is received unsealed, etc.....	27	19
Secretary to furnish to cities and towns blank forms for certificates, transcripts, and returns.....	10	34
to supply clerks of cities and towns, upon request, with self-sealing envelopes for use of voters.....	24	4
Selectmen of towns to receive, sort, and count votes, etc., at elections of national, State, county, and district officers.....	25	15
to make and post up alphabetical lists of voters ten days before elections.....	4	7
to be in session within forty-eight hours before election days, and for one hour at least before the meeting, to receive evidence of qualifications of voters.....	5	8
to give notice of time and place of holding session.....	5	8
to be in session the day before election, when voters exceed one thousand.....	6	13
to require production of naturalization-papers before placing name upon voting-list.....	6	15
not to be answerable for omissions from list if names are entered as furnished by collectors.....	6	17
not to be answerable for refusing vote of person not on list, unless, etc.....	24	10
to make and transmit certificates in duplicate of election of representative from district composed of one town.....	9	29
penalty on, for giving false certificate.....	11	36
may be compensated for services at elections.....	11	38
to cause ballots, other than for town officers, to be preserved, etc....	13	46
to cause check-lists to be preserved.....	13	48
duty of, when right to vote is challenged.....	14	49
to provide at polls self-sealing envelopes for use of voters.....	24	6
Self-sealing envelopes to be supplied for use of voters.....	24	4
to be of uniform size and color, and none other to be used at the polls.....	24	4
to be furnished to city and town clerks by secretary of the commonwealth.....	24	5
to be furnished to selectmen and ward-officers by city and town clerks.....	24	6
penalty for fraudulently obtaining.....	24	7
Sheriff: to transmit precepts issued by governor for elections of Representatives to Congress.....	31	7
Special commissioners. (See County commissioners.)		

T.

	Page.	Sect.
Taxes, assessment of, upon polls and estates.....	4	6
in ward of city where inhabitant dwells.....	22	1
in wrong ward may be rectified.....	22	3
collectors of, to keep account of names of persons paying such taxes, and to give receipt upon request.....	4	3
collectors of, to return to mayor and aldermen and selectmen, twice a year, lists of persons who have paid taxes.....	4	4
not invalid by mistake of assessors in ascertaining ward where per- sons should be assessed.....	23	7
Threats or bribes, penalties for attempting to influence voters by.....	29	31
Town clerks to procure self sealing envelopes for use of voters.....	24	5
to record in words at length names of persons voted for, number of votes for each, and title of office.....	{ 25 31	{ 15 12
to make returns of elections to the secretary of the commonwealth within ten days after day of election.....	{ 26 31	{ 17 12
to make returns of votes for county treasurer and registers of deeds to county commissioners within ten days.....	26	17
to make returns of votes for county commissioners to clerks of courts within seven days.....	26	17
penalty on, for failing to make returns of votes.....	29	35
to return votes for Representatives in Congress in envelopes, express- ing on the outside the district in which votes were given.....	30	4
Town meetings, check-list to be used in election of moderators.....	8	23
Towns to be furnished with blank forms for certificates, transcripts, and returns.....	10	34
meetings in, for election of national, State, county, and district offi- cers to be called as ordered by towns.....	7	21
selectmen to preside at.....	7	22
ballots cast in, other than for town officers, to be sealed up and in- dorsed.....	13	46
check-lists, other than those used for election of town officers, to be served, etc.....	13	48
Towns, selectmen of, to make and put up alphabetical lists of voters ten days before election.....	4	7
to be in session within forty-eight hours before election days, and for one hour at least before the meeting, to receive evidence of qualification of voters.....	5	8
to give notice of time and place of holding session.....	5	8
selectmen of, to be in session the day before election, when the voters exceed one thousand.....	6	13
to require production of naturalization-papers before placing name upon voting-list.....	6	15
not to be answerable for omissions from list, if names are entered as furnished by collector.....	6	17
not to be answerable for refusing vote, if name is not on list, unless, etc.....	24	10
to make and transmit certificates, in duplicate, of election of rep- resentatives from district composed of one town.....	9	29
penalty on, for giving false certificate.....	11	36
may be compensated for services at elections.....	11	38
to cause ballots, other than for town officers, to be preserved.....	13	46
to cause check-lists to be preserved.....	13	48
duty of, when right to vote is challenged.....	14	49
to provide at polls self-sealing envelopes for use of voters.....	24	6

V.

Vacancy, in representation in Congress, proceedings in case of.....	31	6
in representative districts, filled by order of the house.....	10	33
in office of town, city, or ward clerk, may be filled by appointment <i>pro tempore</i>	11	39
Vote, selectmen not answerable for refusing, if name is not on list, unless, etc.....	24	10
how to be presented for deposit in ballot-box.....	25	12
when to be rejected.....	25	13
duty of presiding officers at elections in cities when right is chal- lenged.....	12	44

	Page.	Sect.
Vote, provisions not to be construed as giving right to vote to person who has ceased to be an inhabitant of city	23	6
acquiring right to, after removal, etc	23	6
duty of selectmen when right is challenged	14	49
Voters, alphabetical list of, collectors of taxes to return to mayor and aldermen, and selectmen, twice a year, lists of persons who have paid taxes	4	4
mayor and aldermen and selectmen to make and post up, ten days before elections	4	7
mayor and aldermen to be in session second day before election to correct list, etc	5	9
mayor and aldermen to give notice when registration will cease	5, 9	18, 2
alphabetical list of, selectmen to be in session within forty-eight hours before election days, and for one hour at least before the meeting, to correct list, etc	5	8
selectmen to be in session the day before election when voters exceed one thousand	6	14
names not to be added to, in cities, after being placed in hands of ward officers, unless, etc	6	13
person not entitled to vote until name is found and checked thereon	5	10
used at elections in cities to be sealed up, etc	8	23
used at elections in towns, other than for town officers, to be preserved, etc	12	43
mayor and aldermen and selectmen not answerable for omissions, if names are entered as furnished by collector	13	48
selectmen not answerable for refusing vote of person whose name is not on list, unless, etc	6	17
moderator not answerable for refusing vote of person whose name is not on list	24	10
(See Penalty.)	25	11
Voters, qualifications of	3	2
removing from one ward to another, in the same city, after May 1, may vote in ward where assessed, etc	22	4
entry of name on list, in such case, not to be deemed evidence that he is inhabitant of ward removed from	22	5
to be supplied with self-sealing envelopes for use at polls	24	4-6
Votes, returns of, to be made to the secretary of the commonwealth within ten days after an election	26	17
made by mail	31	12
received unsealed, secretary to notify officers to make new return	27	18
memorandum of date of reception of, to be made in office of secretary of commonwealth	27	19
to be transmitted by secretary, with seals unbroken, to governor and council	27	21
to be examined by governor and five at least of the council	27	22
to be replaced in envelopes, and, with certificate of examination, to be delivered to the secretary	27	22
for county commissioners, to be opened and examined by board of examiners	28	24
for county treasurer and register of deeds, county commissioners to examine, and to notify persons elected	28	25
for Representatives to Congress	28	27
for presidential electors	30	4
governor and council to count votes, and governor to notify persons elected	31	12
Voting, penalty for, if not qualified	32	13
aiding and abetting, punishment for	29	28
Voting-lists and registers of votes in Boston	29	32
Voting-list. (See Voters, alphabetical list of.)	16	57

W.

Ward clerks to be provided with suitable scales	21	6
Ward officers, certificates of their election to be transmitted to the city clerk in sealed envelope	14	51
recount of ballots for	14	52
not to state numbers of ballots cast, etc., before the close of the polls, under penalty	15	54, 55
to provide at polls self-sealing envelopes for use of voters	24	6

	Page.	Sect.
Ward officers to receive, sort, and count votes, and make public declaration thereof in open meeting at elections of national, State, county, and district officers.....	25	15
Ward clerks to record, in words at length, names of persons voted for, number of votes for each, and title of office	25	15
Warden to cause ballots to be sealed up, indorsed, etc., after having been counted, declared, etc.....	11	40
to transmit ballots, sealed up, to city clerk	12	41
to cause check-list used at elections to be sealed up, etc.....	12	43
duty of, when right to vote is challenged.....	12	44
Warrant for notifying meetings in cities for election of national, State, district, and county officers to specify hours at which polls shall be opened and closed.....	7	20
to state the day of the month when the registration of voters will cease, etc.....	18	2
Warrant for meetings in towns, cities, and wards for election of representatives to the general court to direct that voters be notified to bring in their votes upon one ballot, etc.....	8	24

W. W.—U¹.

TUESDAY, November 28, 1877.

The council met according to adjournment.

Present, his excellency the governor; his honor the lieutenant-governor; Mr. Brastow, Mr. Baker, Mr. Leland, Mr. Couch, Mr. Tweed, Mr. Sturgis.

The committee of the whole council, to whom was referred the returns of votes for State and other officers given in the several cities and towns in the manner prescribed by the constitution and laws of the commonwealth, on the 7th day of November instant, report as follows:

For Representatives in Forty-fifth Congress, district No. 3.—Walbridge A. Field, of Boston, has 9,320 votes, and is duly elected.

Benjamin Dean, of Boston, has 9,315 votes.

All others 6, of which "Field" has 3, and William A. Field 1 vote.

Respectfully submitted.

HORATIO G. KNIGHT,
Chairman.

IN COUNCIL, November 28, 1876.

The foregoing report is this day accepted.

HENRY B. PEIRCE,
Secretary.

COMMONWEALTH OF MASSACHUSETTS,
Secretary's department:

BOSTON, April 11, 1877.

True copies of record.

Witness the seal of the commonwealth.

[SEAL.]

HENRY B. PEIRCE,
Secretary of the Commonwealth.

This may be taken as evidence of the proceedings of the governor and council.

BENJAMIN DEAN,
By his att'y, S. A. B. ABBOTT.

W. W.—V¹.

COMMONWEALTH OF MASSACHUSETTS:

To the House of Representatives of the United States, and to all persons to whom these presents shall come, greeting:

Know ye, that on the seventh day of November, in the year one thousand eight hundred and seventy-six, Walbridge A. Field, of Boston, in congressional district number three, was regularly and duly chosen by the qualified voters of said district to be a Representative of this commonwealth therefor in the House of Representatives of the Congress of the United States, for the term beginning on the fourth day of March, in the year one thousand eight hundred and seventy-seven, being the Forty-fifth Federal Congress, in accordance with the constitution and laws of the commonwealth of Massachusetts and of the United States; and that he, the said Walbridge A. Field, has been for said district, only so elected.

In witness whereof I, Alexander H. Rice, governor, have hereto set my hand and caused the seal of the commonwealth to be affixed on this twenty eighth day of November, in the year of our Lord one thousand eight hundred and seventy-six, and the hundred and first of the Independence of the United States of America.

[SEAL.]

ALEXANDER H. RICE, *Governor.*

By his excellency the governor.

HENRY B. PEIRCE,
Secretary of the Commonwealth.

COMMONWEALTH OF MASSACHUSETTS:

SECRETARY'S DEPARTMENT,
Boston, April 11, 1877.

A true copy of the original certificate of election as Representative from the third congressional district of Massachusetts to the Forty-fifth Federal Congress, issued to Walbridge A. Field, of Boston.

Attest:

HENRY B. PEIRCE,
*Secretary of the Commonwealth.*W. W.—X¹.BOSTON, *December 7, 1876.*

S. F. McCLEARY,

Clerk of the City of Boston:

DEAR SIR: I claim that at the election held on the 7th of November last I was elected Representative in Congress for the third district, and intend to controvert the election of Walbridge A. Field, esq., who has or may receive a certificate of election for the same. I therefore desire you to retain the envelope containing the ballots thrown at said election in said district until such election shall have been decided by the authority competent to determine the same, as provided in chapter 188 of the laws of this commonwealth, passed in the year 1876.

Respectfully, your ob't serv't,

BENJAMIN DEAN.

The above is a correct copy of a notice served December 7, 1876, at 11 o'clock and forty-five minutes a. m., upon—

S. F. McCLEARY,
City Clerk.

DEAN }
 vs. }
 FIELD. }

EVIDENCE IN REPLY BY MR. FIELD TO EVIDENCE IN REBUTTAL BY MR.
 DEAN ON NEW MATTER.

UNITED STATES OF AMERICA,
Third Congressional District
of the Commonwealth of Massachusetts, ss:

In the matter of the contested election in the third congressional district of Massachusetts for Representative in the Forty-fifth Congress of the United States, in which Benjamin Dean is the contestant and Walbridge A. Field the incumbent.

I, Winslow Warren, commissioner of the United States circuit court for the district of Massachusetts, do hereby certify that on the 24th day of April, 1877, while I was acting by agreement of both parties as commissioner to take the evidence for both parties in the above matter, the said day being the last day allowed by law to the contestant to put in evidence in rebuttal, the said incumbent by his counsel, J. L. Stackpole, esq., gave to the contestant written notice, by giving in hand to his counsel, S. A. B. Abbott, esq., a copy of the notice annexed hereto, of the intention of the incumbent to take the testimony of Benjamin E. Cole and John Albree to rebut the evidence of Daniel P. Sullivan, a witness for contestant, in rebuttal upon the 27th day of April, 1877, at 10 o'clock a. m., before Winslow Warren, commissioner; that said Abbott denied the right of said incumbent to take depositions in rebuttal of contestant's witnesses, or for any purpose, after the expiration of the ten days allowed contestant in rebuttal, and thereupon refused to accept service or to be present at any further hearing after the close of his case in rebuttal.

That on the said 27th day of April, 1877, at 10 o'clock a. m., at Boston, in said district, the witnesses referred to in said notice annexed, viz, Benjamin E. Cole and John Albree, appeared before me, Winslow Warren, United States commissioner, at my office No. 42 Court street, and they being first severally cautioned and sworn to speak the truth, the whole truth, and nothing but the truth, in the matter of said contested election, gave the depositions herein by them respectively subscribed; that said depositions were reduced to writing by me in the presence of said witnesses and the counsel for the incumbent, and said depositions having been carefully read over to said deponents, were by them respectively subscribed and attested in my presence.

That the incumbent Walbridge A. Field, esq., was present at the examination of said deponents by his agents and counsel, William G. Russell, esq., and J. Lewis Stackpole, esq., and that contestant was not present himself nor by his counsel.

In witness whereof I have hereto set my hand and seal this 25th day of May, A. D. 1877.

[SEAL.]

WINSLOW WARREN,
Commissioner of United States Circuit Court
for District of Massachusetts.

APRIL 27, 1877.

BENJAMIN E. COLE, a witness for Walbridge A. Field, the incumbent, being first duly sworn, in answer to interrogatories proposed by William G. Russell, esq., of counsel for the incumbent, testified as follows, viz:

Interrogatory 1. Please state your name, age, residence, and occupation.—Answer. Benjamin E. Cole; fifty; 754 Tremont street, ward 18; boot and shoe merchant.

Int. 2. Did you hold any office in ward 18 November 7th last, the day of the national election; if so, what?—A. Yes, sir; warden of ward 18.

Int. 3. Please state whether you were present at the polls that day, and how long, and whether you attended to your duty as warden?—A. I was present all day, excepting a short time when I was out at dinner, and attended to my duties as warden.

Int. 4. Please look at paper shown you marked "W. W.—D³," and say whether votes of a similar appearance and tenor were cast at this election, and when it first came to your knowledge that such votes had been cast?—A. Yes, sir, there were; I think it was between 1 and 2 o'clock in the afternoon that it came to my knowledge.

Int. 5. State all the circumstances as they took place, and how many had been thrown at the time it was discovered?—A. Mr. Albree, the clerk, called my attention to it between 1 and 2. He only showed me one vote; the votes were in my possession, the package, and I think there were twenty-five of them. There were twenty-five thrown, and possibly there may have been one or two thrown after that time, not more than one or two certainly, and I don't think there were any; that is, there were some thrown with "fourth district" scratched out after that, and some with the word "third" inserted in place of "fourth," but I don't include these in the twenty-five. I am very confident there were none thrown after the discovery with the words "fourth district" on them, though I couldn't swear to it.

Int. 6. Did either Mr. Sullivan or Mr. Thomes count or have anything to do with counting the votes bearing the words "fourth district" at the time they were discovered?—A. No, sir.

Int. 7. Did you at any time in counting the votes bearing the words "fourth district," find that they came to seventeen or to thirteen, or did you at any time so state to Sullivan or Thomes, or to any else?—A. No, sir.

Int. 8. What was done, if anything, with reference to consulting Mr. McCleary?—A. After debating the matter with some of the ward officers and the supervisors, I said I would consult Mr. McCleary, and return the votes as he advised, and told the inspector that was at the desk with the voting-list that bore his name, to tell him I would like to see him when he came to vote. When he came to vote he came round and saw me, and advised that we should return them, so many votes for Mr. Field of the fourth district and so many for Mr. Field of the third district; and and we made the returns accordingly.

Int. 9. Did Mr. Sullivan previous to that or at any time advise making a separate return, or what did he advise?—A. He advised throwing the ballots out altogether and not counting them at all; he said they were illegal ballots and we couldn't count them.

BENJ. E. COLE.

APRIL 27, 1877.

JOHN ALBREE, a witness for Walbridge A. Field, the incumbent, being first duly sworn, in answer to interrogatories proposed by William G. Russell, esq., of counsel for the incumbent, testified as follows, viz:

Interrogatory 1. What is your name, and what office did you hold November 7, the day of the last national election?—Answer. John Albree; I was clerk of ward 18.

Int. 2. Have you already testified in this case?—A. I have.

Int. 3. Please look at paper marked "W. W.—D³," and say whether votes of a similar appearance and tenor were cast at this election, and when it first came to your knowledge that such votes had been cast.—A. They were cast. It was after noon when I discovered it; I can't say exactly when. I discovered it myself; in reading over the ballots I happened to see "fourth district" there.

Int. 4. State all the circumstances as they took place, and how many had been cast at the time it was discovered.—A. In reading them over I saw "fourth district" on it. I called Mr. Cole's attention to it, and told him I thought we had to return them as cast. He thought they should be returned for Field, of the third district. Among the ward officers and supervisors there appeared to be a difference of opinion how they should be returned; and there being a difference of opinion, I thought we had better see McCleary, and see what his ideas were about it. When he came I didn't hear what conversation they had with him, but the decision was to return them for Walbridge A. Field, of the fourth district. I am confident the whole twenty-five were thrown before it was discovered; there were no more thrown after it was discovered. I discovered one with third district written in, and one with fourth district scratched out, thrown before this.

Int. 5. Did either Mr. Sullivan or Mr. Thomes count or have anything to do with counting the votes bearing the words "fourth district" at the time they were discovered?—A. No, sir.

Int. 6. Did you or Mr. Cole, or any one to your knowledge, in counting the votes bearing the words "fourth district," find that they came to seventeen or thirteen, or did you or Mr. Cole so state to Sullivan or Thomes or any one else?—A. No, sir.

Int. 7. When did you first hear of the number seventeen or thirteen in connection with these votes?—A. When Mr. Sullivan and Mr. Thomes gave their testimony; I was present then.

JOHN ALBREE.

In the matter of contested election.

BENJAMIN DEAN }
 vs. }
 W. A. FIELD. }

BOSTON, April 24, 1877.

S. A. B. ABBOTT, Esq.,

Counsel for Benjamin Dean:

*SIR: Please take notice that we propose to take the depositions of Benjamin E. Cole and John Albree, as witnesses to rebut the evidence of Daniel P. Sullivan, on Friday, 27th April, 1877, before Winslow War-

ren, esq., United States commissioner, at his office, 42 Court street, at 10 o'clock a. m.

Yours, truly,

J. L. STACKPOLE,
Of Counsel for W. A. Field, Esq.

DISTRICT OF MASSACHUSETTS, ss:

On this 24th day of April, 1877, personally appeared J. L. Stackpole, esq., of counsel for Mr. Field, and made oath that at 1 o'clock on said day he handed S. A. B. Abbott, esq., of counsel for the contestant, the foregoing notice.

Before me.

WINSLOW WARREN,
United States Commissioner.

INDEX.

CONTESTANT'S PAPERS.

	Page.
Notice of contest	1-3
Answer	3-9
Committee of aldermen, report of, A, B, C	9-11
Republican presidential ticket, D	11
Notice of city club for election in ward No. 18	11, 12
An agreement between contestant and contestee to take testimony before Winslow Warren, United States commissioner	12-17
Exhibits, papers, and agreements produced in evidence and offered in behalf of Benjamin Dean, contestant:	
An agreement between attorneys, W. W.—A	17, 18
Report of aldermen of the city of Boston, W. W.—B	18
Henry L. Hallett, appointee, commissioner of circuit court of United States, W. W.—C	19, 20
Order of Judge G. F. Shepley, of United States circuit court, appointing supervisors of election, W. W.—D	20-28
Reports of supervisors of election in wards 13, 14, 15, 16, 17, 18, 19, 20, 21, and 24, W. W.—E	28-31
Notice of election in ward No. 18, W. W.—F	31, 32
Report of warden, inspectors, and clerk of vote in ward No. 13, W. W.—G	32, 33
Report for ward No. 14, W. W.—H	33
Report for ward No. 15, W. W.—I	34
Report for ward No. 16, W. W.—J	34, 35
Report for ward No. 17, W. W.—K	35
Report for ward No. 18, W. W.—L	36
Report for ward No. 19, W. W.—M	36, 37
Report for ward No. 20, W. W.—N	37
Report for ward No. 21, W. W.—O	38
Report for ward No. 24, W. W.—P	38, 39
Notice of citizens of ward 13, asking for a recount of the vote, W. W.—Q	39
Report of committee to count the vote in the third district for member of Congress, W. W.—R, W. W.—S	40-43
An agreement between attorneys to certificates attached to exhibits, W. W.—T	44
Evidence in rebuttal, on part of Benjamin Dean, contestant:	
Deposition of Thomas Leavitt, ward 15	44, 45
Deposition of Daniel P. Sullivan, ward 18	45-54
Deposition of Hugh O'Brien	54-56
Deposition of Patrick M. Denon, ward 16	56-59
Deposition of Herman Bisbee, ward 14	59, 60
Deposition of William Swinson, ward 18	60-62
Deposition of John A. Furey, ward 16	63-66
Deposition of Crosby F. Woodman, ward 20	67, 68
Deposition of Abraham J. Lamb, ward 16	68, 69
Deposition of John F. Daly, ward 16	69-71
Deposition of Thomas Mc. Babson, ward 16	71-74
Deposition of William H. Thomes, ward 18	74-76
Exhibits, papers, and agreements produced in evidence and offered during the taking of the depositions on behalf of Benjamin Dean, contestant:	
Exhibit W. W.—1 to W. W.—21	77-117

EVIDENCE FOR CONTESTEE.

Deposition of Samuel F. McCleary	117-124
Deposition of Solomon B. Stebbins	124-135
Deposition of Clinton Viles	135-142
Deposition of M. F. Dickinson, jr.	143-145
Deposition of Charles C. Roberts	145-148
Deposition of A. A. Miner	148-150
Deposition of Hugh O'Brien	150-158

	Page.
Deposition of Seth Whittier	158, 150
Deposition of James B. Berry	159, 169
Deposition of Alden Avery	160, 161
Deposition of Edward M. Wescott	161, 162
Deposition of Nicholas W. McGue	162, 163
Deposition of Frank W. Goodwin	163
Deposition of Alban S. Green	164
Deposition of Charles B. Hunting	164-166
Deposition of Benjamin Kimball	166, 167
Deposition of John Albree	167, 168
Deposition of Albert Thayer	168, 169
Deposition of John W. Palfrey	169
Deposition of John C. Cook	170
Deposition of George A. Fisher	170, 171
Exhibits, papers, and agreements produced in evidence and offered during the taking of the depositions in behalf of Walbridge A. Field, W. W.—A ¹ to W. W.—T ²	171-196
A pamphlet containing election-laws of State of Massachusetts	196-214
Index to pamphlet	214-224
Report of the committee of the whole council, composed of the governor, lieutenant-governor, Mr. Brastow, Mr. Baker, Mr. Leland, Mr. Couch, Mr. Sneed, Mr. Surgis, W. W.—U ¹	224
Certificate of election to Walbridge A. Field	225
Notice to clerk of the city of Boston, served by Benjamin Dean	225
Evidence in reply by Mr. Field to evidence in rebuttal by Mr. Dean on new matter	226
Deposition of Benjamin E. Cole, ward 18	227
Deposition of John Albree, ward 18	228
Notice to take the depositions of Benjamin E. Cole and John Albree	228, 229

RICHARDSON vs. RAINEY.
FIRST DISTRICT SOUTH CAROLINA.

P A P E R S

IN THE CASE OF

JOHN S. RICHARDSON vs. JOSEPH H. RAINEY.

OCTOBER 31, 1877.—Ordered to be printed.

PAPERS OF CONTESTANT.

No. 1.

DECEMBER 16, 1876.

SIR: Believing I am the legally-elected Representative to the Forty-fifth Congress of the United States from the first congressional district of South Carolina, and that you are not, I hereby notify you that I shall contest your right to the seat in said Congress upon the grounds set out in my memorial to Congress, a copy of which is hereunto attached and made part of this notice.

Respectfully,

JOHN S. RICHARDSON.

Hon. JOS. H. RAINEY.

THE UNITED STATES OF AMERICA,

State of South Carolina, First Congressional District:

In the matter of the election held November 7, 1876, for a member of Congress for the first congressional district of South Carolina.

JOHN S. RICHARDSON, CONTESTANT, }
vs. }
JOSEPH H. RAINEY, CONTESTEE.

To the honorable the House of Representatives of the Congress of the United States:

The memorial of John S. Richardson, a citizen of said State, and resident of said congressional district, respectfully sheweth:

That at the general election held in said State for electors of President and Vice-President, for governor and other officers of said State, for members of Congress from said State, and for members of the legislature of said State, and officers of the several counties thereof, held on the 7th day of November, A. D. 1876, your memorialist was the regular

nominee of the democratic party, and a candidate for the office of member of Congress for said district, and that Joseph H. Rainey was the regular nominee of the republican party, and also a candidate for the office of member of Congress from said district, and that there was no other nominee or candidate for said office.

That your memorialist has been informed and believes that certain persons styling themselves "the board of State canvassers" for said State have made and certified a statement of the whole number of votes given at said general election for such member of Congress, and have delivered the same to Hon. Henry E. Hayne, secretary of state for said State in which statement they returned that the said Joseph H. Rainey received eighteen thousand one hundred and eighty votes, and that John S. Richardson (your memorialist) received sixteen thousand six hundred and sixty-one votes.

That the said Henry E. Hayne, as such secretary of state, upon such return has prepared, attested, and transmitted to your honorable body a general certificate that the said Joseph H. Rainey was duly elected at said election as Representative in Congress from said congressional district in said State.

That your memorialist, John S. Richardson, one of the two candidates for Congress at said general election, protests against the return of Joseph H. Rainey, his opponent, and gives notice that he contests said certificate and return, and claims the seat on the following and other grounds:

1st. Because the said Joseph H. Rainey does not hold the certificate required by law which, *prima facie*, would entitle him to his seat.

First. Because by the constitution of said State, twenty-third section, Article III, the secretary of state, comptroller-general, attorney-general, State auditor, treasurer, and adjutant and inspector general, are made elective offices, and there is no provision in the said constitution, or in the laws of the said State, which provides for the appointment by the governor or any one else to any or either of said offices. By the laws of said State the secretary of state, comptroller-general, attorney-general, State auditor, treasurer, adjutant and inspector general, and the chairman of the committee on privileges and elections of the house of representatives, constitute the board of State canvassers. By the express terms of the act, it requires four of the above-named officers to be present to form such board. That the pretended board which made and certified said statement of votes given as aforesaid were composed of only Henry E. Hayne, secretary of state; F. L. Cardozo, treasurer; Purvis, adjutant and inspector general, and one T. C. Dunn, calling himself comptroller general, and one W. D. Stone, calling himself attorney-general; (the chairman of the said committee on privileges and elections being absent, and there being no State auditor;) but that the said Dunn and the said Stone were not in law the officers they respectively claimed to be; wherefore there were but three of the officers, to wit: the secretary of state, the treasurer, and the adjutant and inspector general, present at the making and certifying of said statement of votes, and there was therefore no legally constituted board of State canvassers.

Secondly. The said pretended board of State canvassers, at the time of the making and certifying of said statement of votes, were enjoined and prohibited by the supreme court of said State from making and certifying said statement to the said Henry E. Hayne, secretary of state, and the said Henry E. Hayne, secretary of state, was enjoined and pro-

hibited from the attesting and transmitting or delivering of said statement.

Thirdly. That of the persons pretending to constitute said board of State canvassers, three of them, to wit: Henry E. Hayne, T. C. Dunn, and F. L. Cardozo, were themselves candidates, and voted for on the same general ticket at the said election, and certified to their own election.

2d. Because United States troops were, in violation of law and the Constitution, stationed during said election at or near polling-precincts in said district, with the purpose and intention of giving aid and comfort to the party opposed to the election of said contestant by encouraging and emboldening voters to give their ballots to his opponent, and intimidating and deterring those who were disposed to vote for said contestant; and that said stationing of troops had the said intended effect, and did in fact derer and prevent a large number of voters of said congressional district from casting their votes for said contestant, whose votes, if cast for him, would have entitled him said seat by a large majority of votes over his said opponent.

3d. Because Hon. D. H. Chamberlain, governor of said State, and Hon. U. S. Grant, President of the United States, both of them being republicans, and the political friends of the said Rainey, and the former being the candidate for the republican party for governor of said State, on the same general ticket with said Rainey, caused United States troops to be introduced and stationed, immediately preceding and during said election, at or near several of the polls in several of the counties in said congressional district; that said troops were so introduced and stationed in other parts of said State, and in said congressional district, without there being any such occasion or cause for their introduction, as is by act of Congress required before it could be lawful, just, or fair to introduce them, there being no actual or threatened rebellion, domestic violence, or resistance to the law of said State or of the United States in said congressional district, and no necessity "to repel the armed enemies of the United States, or to keep the peace at the polls;" and the presence of said troops exerted a powerful and controlling influence at said polls, and especially upon the colored voters, who are generally ignorant and morbidly opposed to any appearance of opposition to the will of the Government and ever ready to throw themselves upon the side of the constituted authorities, and thus and thereby did actually intimidate a very large number of colored voters and caused them to cast their ballots for said general ticket, which represented the administration, to wit, for the general ticket represented by and upon which D. H. Chamberlain was a candidate for governor and of the party supported and sustained by Ulysses S. Grant, President of the United States, who were well known to said colored voters to have the control and government of said troops; and thus and thereby caused a very large number of said colored voters to vote for said Joseph H. Rainey, who, as stated, was a candidate on the same general ticket with said D. H. Chamberlain, and of the same political party with said U. S. Grant, who would otherwise have voted for this contestant; and thus and thereby intimidated and prevented other large number of voters from voting for this contestant, who, except for the presence of said troops, would have voted for this contestant; and which ballots, if they had been cast for this contestant, with the other ballots cast for him would have given him a majority of the ballots cast in said congressional district. That this intimidation and overawing of voters, though general in its effect and felt throughout the congressional district, was most

effectual and powerful in the counties of Sumter and Darlington, wherefore this contestant asks and demands that the entire votes polled in said counties of Sumter and Darlington be rejected and entirely excluded.

4th. Because the political friends of the said Joseph H. Rainey, taking advantage of the presence of said United States troops in said congressional district, and of the fact that the said Rainey was of the same political party with the said Chamberlain and Grant, made use of the presence of said troops in said congressional district to assert to a large number of colored voters in said congressional district, who well knew that said troops were controlled by said Grant and Chamberlain; that said troops were sent here for the purpose of making all colored men vote the republican ticket, on which ticket said Rainey and Chamberlain were candidates, and were enabled to and did demonstrate this assertion by the fact of the presence of the said troops, and then and there and thereby the political friends of said Rainey intimidated large numbers of voters, and caused them to vote for the said J. H. Rainey, and thus and thereby overawed and prevented other large numbers of voters from voting for the said contestant who would otherwise have cast their ballots for him, and which ballots, if they had been cast for this contestant, would, with the other ballots cast for him, have given this contestant a majority of the ballots cast in said congressional district.

5th. Because there existed in several of the counties of said congressional district, to wit, in the counties of Sumter, Darlington, Williamsburg, and Georgetown, a wide-spread system of terrorism inaugurated and carried out by the republican party, (the political friends of the said Rainey,) which rendered it personally dangerous for any colored man to vote the democratic ticket, and did prevent many colored voters from the exercise of the "free right of suffrage" at said election, and from voting for this contestant. This terrorism was carried to such an extent that colored men were ostracized, were turned out of their churches, their wives made to desert them, were threatened, abused, assaulted and battered; the colored women in masses were set upon them with violence, and some of said colored voters were burnt out of house and home for the sole reason that they affiliated with and expressed a desire to vote for the democratic party. For the reason stated in this and the preceding sections this contestant asks, and demands, that the entire votes polled in the said counties of Sumter, Darlington, Williamsburg and Georgetown be rejected and entirely excluded.

6th. Because the proclamation of Gov. D. H. Chamberlain, issued on the day of the 7th of October, 1876, and the proclamation of U. S. Grant, President of the United States, issued on the 17th day of October, 1876, (copies of which are hereunto appended,) did overawe, intimidate, and otherwise prevent qualified voters of said congressional district from "the exercise of free right of suffrage," and "interfered with the freedom of said election." And further, because said proclamations disarmed the "rifle-clubs," composed of democrats, and kept the colored militia organized and in possession of their arms, and thereby rendered the terrorism aforesaid most effectual in intimidating and preventing colored men from voting the democratic ticket, and preventing the democrats from affording them any protection in the free exercise of their right of suffrage.

7th. Because said proclamations of President Grant and Governor Chamberlain, having disarmed the democrats, kept the colored militia (being republicans) in possession of their arms, and they being so

armed, did, on divers days immediately preceding the said election, appear in armed bodies at various public political meetings in said congressional district, to wit, in the counties of Sumter, Darlington, Williamsburg, and Georgetown, to the great intimidation and terror of very many colored voters who desired to vote the democratic ticket, and on the day of said election did, at various polls in said congressional district, appear in arms, and with drum and fife, commanded by officers, march publicly to the polls, thus and thereby intimidating many colored voters from voting for this contestant, who desired to vote for him, and who otherwise would have voted for him, and who if they had voted for him, with the votes that were cast for him, would have given him the majority of the ballots cast in said congressional district.

8th. Because the said terrorism was taken advantage of and rendered effectual by said Rainey and his political friends to prevent very many colored voters from attending the public meetings of the democratic party, and at the same time to refuse and to deny to this contestant the right to be heard at the public meetings held by the republicans, who were protected and guarded by the armed militia and band aforesaid; and all this was done more especially in the counties of Sumter, Darlington, Williamsburg, and Georgetown; wherefore and for these reasons this contestant asks and demands that the entire votes polled in said counties be rejected and entirely excluded.

9th. That the whole system of the election and the conduct of the canvass, being under the control of the republican party and of the political friends of said Rainey, have been so framed and managed as to have rendered the perpetration of fraud easy, and did produce intimidation and gross frauds, and for the following among other reasons:

First. In the failure to pass registration laws required by the third section of article VIII of the constitution of said State, whereby repeating and illegal voting were possible and practiced to an enormous extent.

Second. In the appointing as deputy and assistant deputy marshals of the United States only persons who were of the republican party and who acted as political partisans in said election, and in very many instances personally distributed the republican tickets, and in one instance at least exercised control over the armed militia and caused them to be present at the polls.

Third. In passing a law of the said State that no voter could vote except one general ticket upon one piece of paper whereon the names of all persons to be voted for at said general election should be printed or written, and the colored voters of said congressional district, (being a majority of the voters thereof,) being unable to read or write, were thus unable to alter or frame their ballots, and were thus denied the privilege of voting for the persons of their choice. (A copy of said general ticket is hereto annexed, and reference is thereto craved.)

Fourth. In that several hundred persons voted at said general election for member of Congress for said congressional district more than there were legal voters in said congressional district, and over six thousand more than voted at the general election in 1874 for Rainey and Lee, or for Chamberlain and Green; such fact being evidenced by the total number of voters in said congressional district, as shown by the State census for 1875, and the number of votes cast at the said general election for member to Congress. (See Exhibit D, hereunto appended, and which is referred to as part of this protest.)

Fifth. In that a number of United States supervisors of elections who

were appointed and commissioned at the request of the republican party, and who acted as such at said general election, were themselves candidates for office upon the republican ticket.

10th. Because many voters of said district, sufficient to have given the election to said contestant, were intimidated and prevented from voting for said contestant.

11th. Because many illegal votes, to wit, at least three thousand illegal votes, were given for said J. H. Rainey, and counted for him, more than sufficient to have given the election to said contestant. That said illegal votes were given by persons not qualified to vote, by persons who voted more than once, and by other persons, who, though qualified to vote, did not comply with the prerequisites of law before voting.

12th. Because the constitution of the State of South Carolina, section 3, article VIII, requires that the general assembly shall provide from time to time for the registration of all electors, and that said general assembly has altogether refused and failed to provide for any registration of electors in said State.

13th. Because of the many palpable errors, irregularities, frauds, and illegalities, committed contrary to the statutes of said State and of the United States relating to said election, and the willful omission to comply with the requisitions of such statutes by the managers and clerks of polls, and by supervisors and deputy marshals of the United States at many of the polls in said congressional district, whereby this contestant lost many votes, to wit, in the counties of Sumter, Darlington, Williamsburg, and Georgetown, which he otherwise would have received, which, with the votes he did receive, would have constituted a majority of all the votes cast at said election for said member of Congress. Wherefore, and for the reasons stated in this and the preceding sections, this contestant asks and demands that the entire votes polled in the said counties of Sumter, Darlington, Williamsburg, and Georgetown be rejected and entirely excluded.

This contestant now proceeds to specify some of the errors, irregularities, illegalities, frauds, and omissions at some of the polls in some of the counties composing said congressional district, for which he asks that the votes given at said polls shall be rejected, discarded, and thrown out, to wit:

In Darlington County, as follows:

1st. In that the managers of election appointed for the various precincts established in said county did not comply with a condition precedent to their action as such managers, inasmuch as no oath taken and subscribed by any of them was filed in the office of secretary of state, as required by law, there being at the time no clerk of the said county duly qualified with whom said oaths could be filed.

2d. In that Federal officers, (deputy marshals and others,) intense republican partisans, made use of the presence of troops in said county to intimidate electors, whereby at every poll in said county large numbers were overawed—some kept from the polls altogether, and others forced to vote the republican ticket against their will.

3d. In that the State militia and other armed republicans collected large numbers of State and private arms at and near the points at which polls were opened at the precincts established at Darlington Court-House, Society Hill, and Florence. The collection of arms at the polls as stated in this specification was with the knowledge and (in one instance at least) upon the suggestion of deputy marshals of the United States of America, all republicans.

4th. In that B. F. Whittemore, Lary Aiken, and other deputy United States marshals of the United States of America, in said county, mis-used their official powers and exercised them to promote the ends of the republican party and to subvert those of the democratic party, whereby numerous electors were intimidated and forced to vote against their will at every poll in said county, and whereby many voters were forced to vote for the said Rainey and against this contestant. In that a large number of persons, to wit, three hundred persons, who voted more than once, or who though not qualified to vote were allowed to vote and did vote at the various polls in said county of Darlington at said election. In that United States troops were stationed immediately before and during said election at or near the polls at the voting-precincts at Timmons-ville, Florence, and Darlington Court-House, whereby many voters were intimidated and forced to vote the republican ticket and for the said Rainey, who would otherwise have voted for this contestant. Wherefore this contestant asks and demands that the votes polled at the said voting-precincts in the said county of Darlington be thrown out and discarded.

In Sumter County, as follows:

1st. That at Sumter precinct, poll No. 1 was conducted by only two managers, H. W. Waties, who acted as a manager, not having been duly qualified as a manager.

2d. That the three persons who acted as managers at said precinct did not organize themselves as a board, as required by law.

3d. That H. L. B. Wells acted as clerk at said precinct, without having been appointed as such clerk according to law.

4th. That a poll-list was not kept at said precinct according to law.

1st. That at Raften Creek precinct, in said county, the poll was not opened at the hour designated by law, nor for one hour thereafter.

2d. That the person who acted as clerk at said precinct did not take the oath of office prescribed by law, as a condition precedent to his acting as clerk.

3d. That a poll-list was not kept at said precinct according to law.

4th. That the box used at said precinct had more than one opening through which ballots were inserted, contrary to law.

5th. That there was but one supervisor at said precinct.

6th. That the ballots cast at said precinct were not counted according to law.

7th. That there was an adjournment of the board of managers and an interruption of one hour in receiving the ballots at said precinct, between 10 o'clock a. m. and 6 o'clock p. m.

8th. That a large company of men, the political friends of said Rainey, being republicans, armed with muskets and guns, marched up to the said polls at said precinct in a body, and in the immediate neighborhood and public view thereof stacked their arms, and thereby intimidated many persons from voting, and forced many persons to vote the republican ticket and for the said Rainey; and that another large company of men marched with fife and drum, in line, up to said poll, and thereby intimidated many voters from voting and forced many persons to vote the republican ticket and for said Rainey.

9th. That the board of county canvassers opened the box for Raften Creek after it had been sealed up by the precinct managers, and counted the ballots contrary to law.

1. That at Providence precinct the ballots cast were not counted according to law.

1. That at Manchester precinct the ballots cast were not counted according to law.

1. That at Concord precinct one William J. Andrews, who was a candidate upon the republican ticket, and is returned as elected to a seat in said assembly, was and acted as one of the United States supervisors of election.

1. That at Wedgefield precinct one Mansfield McLaurin, who was appointed and acted as clerk of the board of managers, did not take the oath of office prescribed by law as a condition precedent to be taken by said clerk, and that a poll-list was not kept at said precinct according to law.

1. That the poll at Johnston's Store precinct was not opened at the hour designated by law, nor for fifty minutes thereafter.

2. That Hampton Cain, who was appointed and acted as clerk of the board of managers at this precinct, did not take the oath of office prescribed by law as a condition precedent to be taken by such clerk.

3. That a poll-list was not kept at this poll according to law.

4. That the ballots cast at this precinct were not counted according to law, but only the number of tickets were counted, and no count or tally-list of the ballots cast for any person or persons voted for was kept by either manager, supervisor, or clerk of the managers, at said Johnston's Store precinct.

5. That the managers of this precinct did not proceed immediately at the close of the election to count the ballots cast, but did there, contrary to law, adjourn their board for some time, to wit, twenty minutes before proceeding to count said votes.

1. That at Privateer precinct the managers did not open the poll at the hour fixed by law for opening the same, nor for one hour and a half thereafter.

2. That the person who acted as clerk at this precinct did not take the oath of office prescribed by law for such clerk to take, and that no poll-list was kept according to law.

3. The managers of election at said Privateer precinct failed to administer to each and every person who voted thereat the oath required as condition precedent by law to be administered to each person offering to vote at said election, nor was such oath taken by any person who voted at said precinct; and that a large number of persons, to wit, two hundred and fifty-two, were then allowed to vote, and did vote without taking such oath.

1. That at Stateburg precinct, one George Patterson, who acted as clerk of the board of managers of such poll, did not take the oath of office prescribed as a condition precedent by law to be taken by such clerk, and that a poll-list was not kept at said poll according to law.

1. That at Carter's Crossing precinct, H. G. Shaw, who was not a manager, acted as clerk of the board of managers without taking the oath of office prescribed as a condition precedent by law to be taken by such clerk, and that the poll-list kept at said poll was kept by him, and was not, therefore, such poll-list as was required by law.

That the board of county canvassers of said county did, contrary to law, open many of the boxes containing the ballots cast after said boxes had been sealed by the manager; that is to say, the boxes of the following precincts, to wit: Sumter No. 1, Privateer, Stateburg, Providence, Raften Creek, Spring Hill, Bishopville, Lynchburg, Shiloh, Mayesville, Johnston's Store, and Swimming Pens, and that ballots deposited in some of said boxes, to wit, those of Raften Creek, Stateburg, and Privateer, were counted by said canvassers after opening said boxes as aforesaid.

That United States troops were stationed, immediately before and during such election, in said county of Sumter, to wit, at Sumter Court-House, and did intimidate, overawe, and force many persons to vote the republican ticket and for the said Rainey, and prevent many other persons from voting for this contestant who would otherwise have voted for him.

That a large number of persons, to wit, eight hundred persons, who voted more than once, or who, though not qualified to vote, were allowed to vote and did vote at the various polls in said county in said election.

That this contestant therefore, and for the reasons stated, asks and demands that the ballots cast at the said several polls in said county of Sumter shall be rejected and entirely excluded.

In Georgetown County:

1st. In that the commissioners of election for said county met and organized as a board of county canvassers on the 8th day of November, 1876, instead of the Tuesday next following said election, as plainly directed by the fifteenth section of chapter 8 of the general statutes of the State.

2d. In that neither the chairman of the board of managers nor one of them to be designated in writing by the board, did deliver to the commissioners of election the poll-list, the boxes containing the ballots, and the written statement of the result of the election in his precinct; and this is true as to each and every precinct in said county, contrary to the explicit directions of the third section of the act of 1872, 15 vol. Stat., page 171.

3d. In that the county board of State canvassers, as such, did receive from persons other than the several precinct-chairmen of board of managers, or one of them designated in writing, the poll-list, the boxes containing the ballots, and the statement of the result of the election at the several precincts in said county.

4th. In that said board refused to receive the protest of the citizens of the county and consider the same, with the proofs offered to sustain them, against the illegal conduct of the said election at the Santee, Brown's Ferry, Brooks Green, and other election precincts in said county.

5th. In that said board actually refused to count the votes of the county, as prescribed in the sixteenth section of chapter 8, general statutes, page 31.

6th. In that, having refused to count the votes of the county, the said board nevertheless violated the sanctity of the seals of the boxes containing the ballots, and took from said boxes certain papers contained therein.

7th. In that the said election was illegally conducted in almost every respect required by the laws of the State, and the refusal of said board to hear the citizen in defense of his rights, based upon proofs of said illegality, is a blow at the purity of elections, the safeguard of the elective franchise, and at liberty itself, and so utterly inconsistent with the principles of a Government of the people for the people, as to merit the rebuke of every functionary of the Government whose duty it is to pass upon their conduct.

8th. In that the poll-list, the boxes containing the ballots, and the statement of the result of the election at the several precincts in the said county, were kept and transported after the election by persons other than the chairman of the board of managers, or one of them; desig-

nated in writing before the said poll-lists, boxes, and statements were delivered to the county canvassers.

1st. In that at Grier's precinct the board of managers of election were not properly organized as such as the law requires; they were not sworn as managers, nor was the clerk of the board sworn according to law.

1st. In that at Birdville precinct the board of managers of election were not properly organized as such as the law requires; they were not sworn as managers, nor was the clerk of the board sworn according to law.

1st. In that at Santee precinct the board of managers of election was not properly organized as such as the law requires; they were not regularly sworn as managers, nor was the clerk of the board sworn according to law.

1st. In that at Brown's Ferry precinct the said poll was managed and conducted by only two managers, one only of whom was sworn to conduct and manage the said election according to law in such case made and provided.

1st. In that at Brown's Ferry precinct the board of managers of election was not properly organized as such as the law requires; they were not regularly sworn according to law.

2d. In that the ballot-box from the Brown's Ferry poll was carried by one of the managers of election to the house of J. Hawley Jones, who is a candidate (upon the republican ticket, and a political friend of said Rainey) for election as county commissioner, and remained there some time before being turned over to the commissioners of election. That said box when turned over had every indication of having been tampered with.

1. In that at Brooks Green precinct the board of managers of election were not properly organized as such as the law requires; they were not regularly sworn as managers, nor was the clerk of the board sworn according to law.

Because there was at the polls above mentioned, to wit, at Santee, Brown's Ferry, Brooks Green, Grier's, and Birdville, intimidation of the electors (both before and during the election) who desired to vote the democratic ticket, by threatening and violent language and conduct, to such an extent that the electors were prevented from giving free expression of their choice of candidates in casting their votes, to wit, at least six hundred voters. Because a large number of persons, to wit, five hundred persons who voted more than once, or who, though not qualified to vote, were allowed to vote and did vote at the various polls in said county at said election.

The contestant, therefore, and for the reasons stated, asks and demands that the ballots cast at the said several polls in the said county of Georgetown shall be rejected and entirely excluded.

In Williamsburg County:

1st. Because there was inaugurated in said county an extended terrorism, especially over colored electors, on the part of the colored citizens of said county, both male and female, all republicans and the political friends of the said Rainey, resulting in the intimidation of great numbers of colored electors, and in preventing the said electors from voting the democratic ticket and from voting for this contestant.

2d. Because the political friends of the said Rainey, at various voting-precincts in said county, on the day of said election and on various days preceding said election, by threats and exhibitions of arms and force, intimidated and compelled colored electors to vote the republican ticket

and for said Rainey, and intimidated and prevented other colored electors from voting for this contestant.

3d. Because a large number of persons, to wit, three hundred persons, voted more than once, or who, though not qualified to vote, were allowed to vote and did vote at the various polls in said county at said election.

4th. Because a poll was opened at Levy's store, in said county, on the day of said election, without legal authority for opening or holding said poll, and many ballots, to wit, five hundred and forty ballots, were received and counted as coming from said illegal poll.

This contestant, therefore, and for the reasons stated, asks and demands that the votes polled at said Levy's store, and the said illegal votes in said county of Williamsburg, be rejected and entirely excluded.

Your memorialist claims:

1st. That he, the said John L. Richardson, has received a majority of all the legal votes cast at the said general election for the office of member of Congress from the first congressional district of South Carolina to the Forty-fifth Congress of the United States, and that he is entitled to take said seat.

2d. That the said Joseph H. Rainey has not received a majority of the legal votes cast for said office at said election, and that he is therefore not entitled to take said seat in said Congress.

3d. That the said Rainey has not the *prima facie* right, by virtue of the certificate he holds, to take said seat.

4th. That in the event your honorable body shall hold that this contestant is not entitled to said seat, your memorialist claims, for the various reasons set forth in his grounds of contest, that said seat shall be declared vacant.

And your memorialist will ever pray.

JOHN S. RICHARDSON.

Proclamation.

STATE OF SOUTH CAROLINA,
Executive Chamber.

Whereas it has been made known to me, by written and sworn evidence, that there exist such unlawful obstructions, combinations, and assemblages of persons in the counties of Aiken and Barnwell, that it has become impracticable, in my judgment, as governor of the State, to enforce by the ordinary course of judicial proceeding the laws of the State within said counties; by reason whereof it has become necessary, in my judgment, as governor, to call forth and employ the military force of the State to enforce the faithful execution of the laws;

And whereas it has been made known to me as governor that certain organizations and combinations of men exist in all the counties of the State, commonly known as "rifle-clubs;"

And whereas such organizations and combinations of men are illegal and strictly forbidden by the laws of this State;

And whereas such organizations and combinations of men are engaged in promoting illegal objects, and in committing open acts of lawlessness and violence:

Now, therefore, I, Daniel H. Chamberlain, governor of said State, do issue this my proclamation as required by the thirteenth section of chapter 132 of the general statutes of the State, commanding the said

unlawful combinations and assemblages of persons in the counties of Aiken and Barnwell to disperse and retire peaceably to their homes within three days from the date of this proclamation, and henceforth to abstain from all unlawful interference with the rights of citizens, and from all violations of the public peace.

And I do further, by this proclamation, forbid the existence of all said organizations or combinations of men commonly known as "rifle-clubs," and all other organizations or combinations of men or formations not forming a part of the organized militia of the State, which are armed with fire-arms or other weapons of war, or which engage or are formed for the purpose of engaging in drilling, exercising the manual of arms or military maneuvers, or which appear or are formed for the purpose of appearing under arms or under the command of officers bearing the titles or assuming the functions of ordinary military officers, or in any other manner acting or proposing to act as organized and armed bodies of men; and I do command all such organizations, combinations, formations, or bodies of men forthwith to disband and cease to exist in any place or under any circumstances in the State.

And I do further declare and make known by this proclamation to all the people of the State that, in case this proclamation shall be disregarded for the space of three days from the date thereof, I shall proceed to put into active use all the powers with which as governor I am invested by the constitution and laws of the State for the enforcement of the laws and the protection of the rights of the citizens, and particularly the powers conferred on me by chapter cxxxii of the general statutes of the State, as well as by the Constitution of the United States.

In witness whereof I have hereunto set my hand and caused the great seal of the State to be affixed, at Columbia, this 7th day of October, A. D. 1876, and in the 101st year of American Independence.

[L. S.]

D. H. CHAMBERLAIN.

By the governor.

H. E. HAYNE,

Secretary of State.

A proclamation.

Whereas it has been satisfactorily shown to me that insurrection and domestic violence exist in several counties of the State of South Carolina, and that certain combinations of men against law exist in many counties of said State, known as rifle-clubs, who ride up and down by day and night, in arms, murdering some peaceable citizens and intimidating others; which combination, though forbidden by the laws of the State, cannot be controlled or suppressed by the ordinary course of justice; and whereas it is provided in the Constitution of the United States that the United States shall protect every State in this Union, on the application of the legislature, or of the executive when the legislature cannot be convened, against domestic violence; and whereas, by laws in pursuance of the above, it is provided in the laws of the United States that in all cases of insurrection in any State or obstruction to the laws thereof, it shall be lawful for the President of the United States, on application of the legislature of such State, or of the executive when the legislature cannot be convened, to call for the militia of any other State or States, or to employ such part of the land or naval forces as shall be judged necessary for the purpose of suppressing such insurrection or causing the laws to be duly executed; and whereas, the legislature of said State is not now in session, and cannot be convened in

time to meet the present emergency, and the executive of said State, under section 4 of article 4 of the Constitution, and of the laws passed in pursuance thereof, has therefore made an application to me in the premises for such part of the military forces of the United States as may be necessary and adequate to protect said State and the citizens thereof against domestic violence, and to enforce the due execution of the laws; and whereas it is required that whenever it may be necessary, in the judgment of the President, to use the military force for the purpose aforesaid, he shall forthwith by proclamation command such insurgents to disperse and retire peaceably to their respective homes within a limited time:

Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby make proclamation, and command all persons engaged in such unlawful and insurrectionary proceedings to disperse and retire peaceably to their respective abodes within three days from this date, and hereafter abandon said combinations and submit themselves to the laws and constituted authorities of said State; and I invoke the aid and co-operation of all good citizens thereof to uphold the laws and preserve the public peace.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 17th day of October, 1876, and of the Independence of the United States one hundred and one years.

(Signed)

U. S. GRANT.

By the President.

JOHN L. CADWALADER,

Acting Secretary of State.

The following order was issued this evening, in pursuance of the action taken at the Cabinet meeting to-day, for the protection of the public peace in South Carolina:

WAR DEPARTMENT,
Washington City, October 17, 1876.

General W. T. SHERMAN,

Commanding United States Army:

SIR: In view of the existing condition of affairs in South Carolina, there is a possibility that the proclamation of the President of this date may be disregarded. To provide against such a contingency, you will immediately order all the available force in the Military Division of the Atlantic to report to General Ruger, commanding at Columbia, S. C., and instruct that officer to station his troops in such localities that they may be most speedily and effectually used in case of any resistance to the authority of the United States. It is hoped that a collision may thus be avoided, but you will instruct General Ruger to let it be known that it is the fixed purpose of the Government to carry out the spirit of the proclamation, and to sustain it by the military force of the General Government, supplemented, if necessary, by the militia of the various States.

Very respectfully, your obedient servant,

J. D. CAMERON,

Secretary of War.

EXHIBIT D.

Statement No. 1, showing excess of votes polled over the census.

Williamsburg County polled votes over the census, with the Black Mingo box said to be lost	49
Sumter polled votes over the census	49
Georgetown polled votes over the census	74
Darlington polled votes over the census	152
Marlborough polled votes over the census	42
Horry polled votes over the census	107
	473

No. 2.—Number of votes polled in the first congressional district for governor in 1874—a heated contest and a clear and bright day.

For Chamberlain	14, 320
For Green	14, 199
	28, 519

Number of votes said to have been polled for Rainey and Richardson at the general election of 7th November, 1876, a very inclement day.

For Rainey	18, 180
For Richardson	16, 661
	34, 841
Excess in the vote of 1876	6, 322

No. 3.—Vote for Rainey and Lee in 1874.

Rainey	14, 360
Lee	13, 563
Scattering	3
	27, 926
For Rainey and Richardson in 1876	34, 841
Excess in 1876	6, 915

Copy of the general ticket referred to in the protest.

UNION REPUBLICAN TICKET.

For President.—Rutherford B. Hayes.

For Vice-President.—William A. Wheeler.

For Presidential-electors.—At large—Christopher C. Bowen, John Winsmith. First district—Thomas B. Johnston. Second district—Timothy Hurley. Third district—William B. Nash. Fourth district—Wilson Cook. Fifth district—William F. Meyers.

For governor.—Daniel H. Chamberlain.

For lieutenant governor.—Richard H. Gleaves.

For secretary of state.—Henry E. Hayne.
For comptroller-general.—Thomas C. Dunn.
For State treasurer.—Francis L. Cardozo.
For attorney-general.—Robert B. Elliot.
For State superintendent of education.—John R. Tolbert.
For adjutant and inspector general.—James Kennedy.
For Forty-fifth Congress, first district.—Joseph H. Rainey.
For Solicitor, third circuit.—Melvin J. Hirsch.
For house of representatives.—Thomas B. Johnston, John H. Ferriter, William J. Andrews, John H. Westberry.
For sheriff.—John M. Tindall.
For clerk of court.—George W. Reardon.
For judge of probate.—Samuel Lee.
For school commissioner.—Timothy J. Tuomey.
For county commissioners.—Thomas J. Coghlan, Zachariah Walker, Rufus C. Westberry.
For coroner.—John H. Legare.
 Constitutional Amendment—YES.

No. 2.

WASHINGTON, D. C., January 8, 1877.

TO JNO. S. RICHARDSON, ESQ.:

SIR: I have the honor to acknowledge the receipt of your notice of protest to my election as member of Congress for the first congressional district of South Carolina for the Forty-fifth Congress at the general election held in that State upon the 7th November, 1876, together with copy of the memorial in that behalf addressed to the House of Representatives of the United States, and I beg to inclose my reply thereto.

Very respectfully, your obedient servant,

JOSEPH H. RAINEY.

The undersigned, Joseph H. Rainey, member of Congress elect for the Forty-fifth Congress of the United States from the first congressional district of South Carolina, in reply to the memorial of John S. Richardson, esq., addressed to the House of Representatives of the United States, and protesting against the validity of his said election, says:

1. At the general election held according to law in the State of South Carolina upon the 7th day of November, A. D. 1876, for electors of President and Vice-President of the United States, for governor and other officers of the said State, for members of Congress from said State, and for members of the legislature of said State and for officers of the several counties thereof, he and the said John S. Richardson were candidates for the office of member of Congress from the first congressional district of said State, composed of the counties of Georgetown, Horry, Williamsburg, Sumter, Marlborough, Darlington, Marion, and Chesterfield, and at said election he, the undersigned, Joseph H. Rainey, received eighteen thousand one hundred and eighty (18,180) votes, and the said John S. Richardson received sixteen thousand six hundred and sixty-one (16,661) votes; and the undersigned, Joseph H. Rainey, was therefore duly elected member of Congress from the said first congressional district of South Carolina by a lawful majority of fifteen hundred and sixty-nine (1,569) votes.

2. The undersigned has been informed and believes that the board of State canvassers, in obedience to the law in such case made and provided, have issued to the secretary of state their certificate of said vote, and that the said Henry E. Hayne, secretary of state, has also, in obedience to the law in such case made and provided, issued the proper certificate, under the broad seal of the State, certifying the election of the undersigned Joseph H. Rainey as member of Congress from the said first congressional district of South Carolina.

3. The undersigned is not aware of the existence of any lawful impediment, and denies that any such lawful impediment exists to the action of the said board of State canvassers and the said Henry E. Hayne, secretary of state, in issuing, as required by law, the said certificate of the election of the undersigned. And more especially the undersigned denies that the facts alleged in the first, second, and third subdivisions of the first ground of the said memorial can, even if correctly stated, legally prejudice or invalidate either his election or the evidence and certificate thereof. And as to the correctness of such statements, the undersigned says that he has no personal knowledge thereof further than as they are matters of common report, and he therefore denies them.

4. The undersigned denies that United States troops were, in violation of law and the Constitution, stationed during said election at or near any polling-precincts in said district with the purpose and intention of giving aid and comfort to the party opposed to the election of the memorialist, the said John S. Richardson, or with the purpose and intention of encouraging and emboldening voters to give their ballots to the undersigned, or for the purpose of intimidating and deterring those who were disposed to vote for said memorialist. And he further denies that the stationing of troops had any such effect or did intimidate or prevent a large number of voters, or any number of voters of said congressional district from casting their votes for the said memorialist or for any other candidate whom they may have wished to support.

5. As to the charges contained in the 3d, 4th, 5th, 6th, 7th, and 8th grounds of the memorial, they are too argumentative and indefinite for reply, inasmuch as they consist mainly not of facts, but of alleged motives, inferences, and possibilities, of which the undersigned cannot have any knowledge. But the undersigned says that he has been informed and believes that D. H. Chamberlain, governor of the State of South Carolina, did apply to U. S. Grant, President of the United States, asking that United States troops should be stationed in South Carolina, and that the said D. H. Chamberlain, governor, and the said U. S. Grant, President, as aforesaid, did issue and publish their proclamations, bearing the date and using in substance the words set forth in the said memorial, and that United States troops were sent to and stationed in the said State of South Carolina, some of whom were stationed in the said first congressional district.

It is impossible for the undersigned to say what were the motives and purposes of the governor of the State or of the President of the United States in issuing such proclamations or in adopting such action, nor can he say that such action was improper under the circumstances. But he denies that his election, otherwise fair and legal, can be affected by the motives or purposes of either the said governor or the said President; and he says further that he has been advised and believes that this action, whatever be its motive or its propriety, was within the legal and constitutional powers of the said governor and the said President.

And the undersigned further says that, as to the intimidation alleged to have been the consequence of this action, it is a fact that the vote cast in South Carolina at the said general election on 7th November, 1876, was the largest vote ever cast in the State, and that the said increase of vote was both republican and democratic, so that the circumstances which surrounded the election would seem to have encouraged and emboldened rather than to have intimidated the whole vote of the State.

And so far as the alleged intimidation is charged to have affected the democratic vote of the State, the undersigned says that as the result of this alleged intimidation the most complete democratic victory ever known in the State was claimed; the democratic party claiming to have elected the governor, the lieutenant governor, half of the State officers, a large proportion of the county officers, and increased representation in the State senate, a majority of the house of representatives, and two members of Congress; and all that in a State in which, until this alleged intimidation of democratic voters, there had been an undisputed republican majority of from 20,000 to 30,000.

6. The undersigned denies that there existed in the counties of Sumter, Darlington, Williamsburg, and Georgetown, in the said first congressional district, any "wide-spread system of terrorism inaugurated and carried out by the republican party, the political friends of the said Rainey," or that he or his friends or party excited, permitted, or used as alleged, either generally or in detail, any such means to secure his election.

7. The undersigned denies that the system of the election, by which he supposes the memorialist to mean the election-laws of the State of South Carolina, was framed so as to render the perpetration of party fraud easy, or that any such effect was produced by the said laws. And he further denies that the said general election was under the control of the republican party or any other party, or was conducted otherwise than provided for by the laws of the land fairly and honestly administered. And further he denies, first, that the failure of the legislature of the State of South Carolina to enact registration-laws can in any way affect the regularity and validity of his election; second, that the appointment of deputy and assistant deputy marshals of the United States were made only of persons who were of the republican party; that he, the undersigned, had or exerted any influence in the making of such appointments, or that his election was in any way affected by the action of the authorities in whom the power of making such appointments was vested; third, he avers that there is nothing unconstitutional in the requirement of the election-law of South Carolina that all general elections shall be by general ticket. And the undersigned further says that, whatever may have been the increase of the vote in the said first congressional district, the said increase was in fair proportion to the general increase of the vote in the State; was not confined to the vote of any particular party; and, as far as the undersigned knows and believes, was not a fraudulent or unlawful increase.

8. The Undersigned denies the general charges of intimidation, illegal voting, and irregularities contained in the tenth, eleventh, twelfth, and thirteenth grounds of the memorial.

9. The undersigned denies the charges and specifications of the irregularities alleged to have been committed at the various polls and precincts in the counties of Darlington, Sumter, Georgetown, and Williamsburg, as set forth in the latter portion of said memorial; and further denies that, if the said irregularities did occur, (of which he has no

knowledge or information,) they were of a character in any degree to affect or invalidate his true and lawful election.

10. The undersigned denies each and every allegation of the notice of contest not hereinbefore admitted, and he excepts to all the paragraphs of said notice, from the first to the thirteenth inclusive, as insufficient specifications of the grounds of contest under the laws of the United States.

11. And the undersigned further alleges and charges :

1. That several hundred voters, to wit, five hundred voters, who would have voted for him in Darlington County at the precincts hereinafter named were prevented from so doing by threats and intimidation on the part of the friends and supporters of the said John S. Richardson, to wit, at Darlington Court-House, two hundred voters; at Florence, one hundred voters; at precinct No. 1, one hundred and thirty-five voters; at precinct No. 2, sixty-five voters.

2. That two hundred voters who would have voted for him in Georgetown County were prevented from so doing by threats and intimidation on the part of the friends and supporters of the said John S. Richardson, viz, at Sampit precinct, one hundred and fifty voters; at Black River precinct, fifty voters.

3. That in Marion County there was very considerable repeating of votes by the voters who voted for the said John S. Richardson, thus unduly and illegally increasing the apparent vote of the said John S. Richardson, viz, at Lime Rock precinct, seventy-five votes; at Berry's Cross-Roads, thirty-five votes.

4. That in the county of Sumter, the friends and supporters of the said John S. Richardson prevented the following number of voters who would have voted for him from doing so by threats and intimidation, viz, at Sumter Court-House, one hundred voters; at Raften-Creek precinct, twenty-five; at Manchester precinct, twenty; at Providence eighteen, and at Concord precinct, twenty-one.

5. That there are other cases of threats, intimidation, and irregularity, especially in the counties of Marlborough and Chesterfield, which the undersigned cannot at this time specify, being absent from the State and remote from the sources of information, but which he will ask leave to charge specifically before the trial of this case.

And the undersigned further alleges and charges :

1. That several hundred voters who would have voted for him in Darlington County were prevented from doing so by threats and intimidation on the part of the friends and political supporters of the said J. S. Richardson.

2. That the same is true in the county of Georgetown.

3. That in the county of Marion there was very considerable repeating by the voters who voted for the said J. S. Richardson, thus unduly and illegally increasing the apparent vote of the said J. S. Richardson.

4. That the same intimidation and repeating on behalf and in support of the said J. S. Richardson occurred in the counties of Marlborough and Chesterfield.

5. That the vote returned for the said J. S. Richardson was thus illegally and unduly returned at a much higher number than was legally cast.

6. That the return of the vote of Horry County to the said board of canvassers was not in conformity to law, inasmuch as there was no poll-list kept, and only a tally-list was sent to the said board.

JOSEPH H. RAINEY.

JANUARY 6, 1877.

The State of South Carolina, by the secretary of state, to Joseph H. Rainey:

Whereas, in pursuance of the constitution and the statutes of the State, an election was held on 7th day of November, A. D. 1876, for members of the Forty-fifth Congress, and upon examination of the returns which have been received, and by the determination and declaration of the board of State canvassers, filed in this office, it appears that you, the said Joseph H. Rainey, have been duly elected by the highest number of votes: I do, therefore, by virtue of the power in me vested, certify that you, the said Joseph H. Rainey, have been declared duly elected as a member of the Forty-fifth Congress of the United States, from the first district of South Carolina.

Given under my hand and the seal of the State, in Columbia, this twenty-second day of November, in the year of our Lord one thousand eight hundred and seventy-six, and in the one hundred and first year of the Independence of the United States of America.

H. E. HAYNE,
Secretary of State.

No. 4.

STATE OF SOUTH CAROLINA,
Office Secretary of State:

I, H. E. Hayne, secretary of state, do hereby certify that at the general election held, pursuant to the constitution and statutes of this State, on the seventh day of November, A. D. 1876, the following-named persons were duly chosen, as appears by the certificate and determination of the board of State canvassers on file in this office, as members of the Forty-fifth Congress of the United States from the State of South Carolina:

First district.—Joseph H. Rainey.

Second district.—Richard H. Cain.

Third district.—D. Wyatt Aiken.

Fourth district.—John H. Evans.

Fifth district.—Robert Smalls.

Given under my hand and the seal of the State, at Columbia, this fourth day of December, A. D. 1876, and in the one hundred and first year of the Independence of the United States of America.

[SEAL.]

H. E. HAYNE,
Secretary of State.

No. 5.

Suggestion for prohibition and mandamus.

The State of South Carolina. In the supreme court.

IN RE R. M. LEWIS ET AL. }
vs. }
H. E. HAYNE ET AL. }

To the supreme court of the State of South Carolina:

The board of state canvassers, respondents herein, hereby certify that

it appears by the statements of the several boards of county canvassers laid before this board that the following-named persons have received the number of votes set opposite their respective names for the several offices herein designated, namely :

* * * * *

FOR MEMBERS OF CONGRESS.

First district.

	Votes.
Joseph H. Rainey received	18, 180
J. S. Richardson received	16, 661
Scattering	1

Second district, (unexpired term.)

	Votes.
C. W. Buttz received	21, 378
M. P. O'Connor received	13, 030
Scattering	2

Second district, (regular term.)

	Votes.
Richard H. Cain received	21, 385
M. P. O'Connor received	13, 028
Scattering	2

* * * * *

H. E. HAYNE,
F. L. CARDOZO,
THOS. C. DUNN,
WILLIAM STONE,
H. W. PURVIS,
Board of State Canvassers.

The State of South Carolina. In the supreme court.

I, Albert M. Boozer, clerk of the said court, do hereby certify that the foregoing is a true and correct extract taken from the return of the board of State canvassers, respondents in the case of The State, *ex rel.* R. M. Lewis et al., *vs.* H. E. Hayne et al.—suggestion for prohibition and mandamus—made and filed in this court in pursuance of its order in the said case, now of record in my office.

In testimony whereof I have hereunto set my hand and affixed the seal of the said court, at Columbia, this 10th day of February, A. D. 1877.

[SEAL.]

ALBERT M. BOOZER,
Clerk of Supreme Court of South Carolina.

No. 6.

THE STATE OF SOUTH CAROLINA :

To the House of Representatives of Congress of the United States :

The Hon. Henry E. Hayne, late secretary of state, as I am informed, has furnished to Joseph H. Rainey a certificate that, according to the returns of the board of State canvassers then in office, he, the said

Joseph H. Rainey, has been *prima facie* elected to the Forty-fifth Congress of the United States, as the Representative of the first congressional district of the State of South Carolina.

In the discharge of what I deem an imperative duty, and as showing the views I entertain of the actual and substantial merits of the claim of said Rainey, and of the contestant, John S. Richardson, to the seat, I make the following statement of facts connected with the case, with a view of conducing to a proper decision of the case when submitted to your honorable body, which is to render final judgment thereon:

First. The board of State canvassers, upon whose returns said certificate of election to said Rainey was based, was, at the time when said returns were made, under prohibition issued from the supreme court of the State, enjoined and prohibited from making and certifying said returns, as to members of the State legislature, and said returns were made by them in contravention of the said order of the supreme court of the State.

Secondly. That on the 14th day of November, the counsel for the democratic party notified the said board of canvassers that he had applied to the supreme court of the State for a writ of prohibition and mandamus in every case of election coming before said board; in consequence of which notification the said board adjourned to await the result of said application; and that at their next meeting, on the following day, 15th November, the said board unanimously adopted the following resolution, which was filed in the supreme court, viz:

“*Resolved*, That this board will not act upon any proposition until the question of its jurisdiction and duties be decided by the supreme court.”

That, notwithstanding such resolution of the board of State canvassers, and the pending of the proceedings in prohibition in the supreme court of the State, the board of State canvassers proceeded to declare the result of the general election held on the 7th November, 1876, and for such illegal action the said board of State canvassers were adjudged guilty of contempt and punished by fine and imprisonment.

Thirdly. That said board of State canvassers, making the said returns upon which said certificate of election was certified to said Rainey, was composed of persons who themselves were candidates upon the same general ticket as said Rainey, and did thus pass upon and certify to their own election, as well as that of said Rainey, but that each person composing said board who had so certified to his own election, after full investigation and proof under proceedings had in the supreme court of the State as to the correctness of said returns, and their rights to the offices claimed thereunder, has been ousted by the supreme court of the State of the several offices to which they had certified themselves elected.

Fourthly. That said board of State canvassers returned that John S. Richardson, the contestant, received sixteen thousand six hundred and sixty-one (16,661) votes at said election for said seat, and the said Joseph H. Rainey, according to his answers to the protest of said John S. Richardson to me shown, has admitted that the said Richardson received said number of legal votes.

Fifthly. I find that sixteen thousand six hundred and sixty-one (16,661) votes is, according to the last United States census, a majority of all the legal votes in said congressional district, and, from the evidence within my knowledge and submitted to me, I firmly and confidently believe that sixteen thousand six hundred and sixty-one legal votes is a majority of all the legal votes cast at said election for said seat in said congressional district.

Sixthly. I further find, upon the evidence submitted to me and with-

W. J. McLeod.	J. M. Sanders.	E. T. Moore.
Jacob Keels.	D. E. Keels.	H. E. L. Peebles.
William R. Fludd.	Thomas E. Richardson.	Menus Felder.
Dick Richards.	Benjamin Weathers.	Dick Henderson.
Charles Mitchel.	Caroline White.	Adam Young.
Elmore Durant.	Robert Ross.	W. F. DeSchamps.
C. H. Jones.	A. W. Suder.	J. S. Folk.
D. A. Foxworth.	James M. Jennings.	Joshua Myers.
C. R. F. Baker.	John F. Ballard.	Thomas D. McLeod.
Omai Sharper.	Polete A. Sanders.	T. D. Foxworth.
T. N. Huggins.	William E. Jennings.	J. H. McLeod.
John Craig.	John Hudson.	Elias Williams.
W. P. Singleton.	Gadsden Nelson.	Samuel R. Earle.
William McFarland.	J. Harvey Wilson.	Jordan Wiley.
Robert Dickson.	Jake McLead.	Charles Williams.
Anderson Clark.	Henry Reese.	J. J. McKellar.
R. M. Montgomery.	William M. Graham.	Benjamin Weeks.
George W. Brown.	W. H. Smith.	A. L. Singleton.
John Nicholds.	Sondon Sumter.	Horace Bradley.
R. J. Anderson.	Charles Sumter.	James H. Earle.
W. J. Singleton.	J. J. Dargan.	E. W. Moise.
A. J. Moses.	C. M. Hurst.	William E. Mills.
C. H. Moise.	J. C. Haynsevont.	C. Mayrant.
J. A. Mayes.	F. M. Beckam.	E. C. Green.
R. B. Cain.	Robert J. Brownfield.	J. M. Wilder.
W. J. Pringle.	J. A. Mills.	M. B. Moses.
Hugh H. Wilson.	R. D. Lee.	William Gregg.
Willie A. Cooper.	James R. Muldrew.	John Peter Brown.
Manuel Anthony.	Julius Bradley.	Jessie M. Brown.
Robert Brown.	J. J. Geddings.	H. J. McLaurin.
Robert G. Witherspoon.	J. H. Cooper.	Dr. E. J. Rembert.
Thomas Polk Sanders.	Marion Sanders.	Wallace Sanders.
W. Bowneau Murray.	Rich. M. Lenoir.	Pinckney Davis.
W. O. Cain.	J. M. Epperson.	John D. Craig.
Abram Ruffin.	E. L. Shiver.	L. P. Loring.
D. J. Winn.	A. J. China.	R. S. Bradwell.
Mat. Brooks.	Guignard Richardson.	Mansfield McLaurin.
Rev. Roy Roberson.	H. W. Watis.	Edward O'Reiley.
J. D. Graham.	William Bogin.	J. W. Westberry.
H. L. B. Wells.	T. O. Sanders.	T. J. Tuomey.
J. H. Ferriter.	W. J. Andrews.	John M. Plurden.
R. C. Westberry.	D. James Winn.	Peter Mellette.
W. J. Durant.	Ralph Wilson.	Jerry Croghan.
James Smiling.	J. H. Burgess.	Rev. Noah Graham.
W. L. Delgar.	H. G. Shaw.	Charles Spencer.
M. G. Ramsay.	W. A. Ramsay.	Dr. J. C. Spaun.
Dr. Daniel Reynolds.	Thomas Hancock.	

Respectfully, yours,

J. S. RICHARDSON.

SUMTER, S. C., *February 6, 1877.*

DISTRICT OF COLUMBIA,

Washington County, ss:

Montgomery Blair, being sworn on his oath, saith that he served the

within on the contestee on the 9th February, 1877, by delivering him a copy thereof.

MONTGOMERY BLAIR.

Subscribed and sworn before me this 10th February, 1877.

[SEAL.]

A. S. TAYLOR, J. P.

Notice to take testimony.

JOHN S. RICHARDSON, CONTESTANT, }
 vs. } Contested election.
 JOSEPH H. RAINEY, CONTESTEE. }

State of South Carolina, first congressional district.

To Hon. JOSEPH H. RAINEY and his attorney :

You will take notice that I shall examine the following witnesses in the above-entitled cause, on the 21st instant, and from day to day thereafter, before E. W. Moise, esq., notary public, at Sumter, in addition to those whose names have been furnished you; all residents of Sumter County, S. C., to wit :

Anthony Martin, Thomas Boone, C. A. Shaw, Joe Cooke, Marion Sanders, T. N. Huggins, J. D. Wilder, Richmond James, E. H. Holman, Dr. John H. Furman, J. A. Mayer, J. A. Rhame, J. W. Dargan, Charles Williams, Thomas D. McLeod, Manigault James.

Respectfully,

J. S. RICHARDSON.

SUMTER, S. C., *February* 19, 1877.

Notice to take testimony.

JOHN S. RICHARDSON, CONTESTANT, }
 vs. } Contested election.
 JOSEPH H. RAINEY, CONTESTEE. }

State of South Carolina, first congressional district.

To Hon. JOSEPH H. RAINEY and his attorney :

You will take notice that I shall examine the following witnesses in the above-entitled cause on the 27th instant, and from day to day thereafter, before E. W. Moise, esq., notary public, at Sumter, S. C., in addition to those whose names have been furnished you; all residents of Sumter County, S. C., to wit :

Isham Robertson, Warren H. Burgess, D. E. Keels, Isaac Haynsworth, March Glover, O. M. Crain, S. W. Dick, Sam'l Lee.

Respectfully,

J. S. RICHARDSON.

FEBRUARY 26, 1877.

JOHN S. RICHARDSON, CONTESTANT, }
 vs. }
 JOSEPH H. RAINEY, CONTESTEE. }

Testimony taken February 14, 1877, at Sumter, S. C., before E. W. Moise, notary public.

JAMES D. BLANDING, sworn.

Question. Were you in Sumter County during the recent campaign and election for United States Representative?—Answer. Was in the

county; was chairman of the democratic executive committee for this county.

Q. Were there any United States troops stationed in this county?—

A. There were, a major, lieutenant, and some men. Exact number not known to me. They were stationed within the corporate limits of the town of Sumter, and about 400 yards from the polling-places, or within that distance. They came on Thursday preceding the election, and left within a week after.

Q. Was there in the County of Sumter any such condition of insurrection, domestic violence, or resistance to civil process, as would have rendered necessary the introduction of troops in this county at that time? (Objected to, on the ground that the witness can only answer by stating an opinion.)—A. There was no violence, no domestic insurrection, no resistance to law or civil process; the county was entirely peaceable up to and during the time when the troops were stationed in the county. There were mass meetings of both parties, addressed by Governor Chamberlain, candidate for governor on the republican ticket, and General Hampton, candidate for the same office on the democratic ticket. No violence at either. Attended meetings all over the county, at which there were both democrats and republicans. No violence or disorder at any such meeting in this county.

Q. Do you know any facts showing the result of the presence of troops upon any colored republican voters?

(An objection made that answer must be hearsay or opinion.)

A. Witness knew of some colored voters who had promised to vote the democratic ticket previous to the coming of the troops, but who voted the republican ticket on the day of election, and I knew others, who had promised not to vote at all, but who voted the republican ticket on the day of election, according to their declaration to me.

Q. Did not the presence of the troops in this congressional district intimidate colored voters, and influence them to vote the republican ticket.

(An objection that the answer must be opinion or hearsay.)

A. The witness says that between seven and eight hundred colored voters did promise to vote the democratic ticket in this county, before the arrival of the troops, but really voted the republican ticket after they came. As matter of opinion I would say that the presence of the troops did influence some of the colored voters to vote the republican ticket, who, but for their presence, would have voted with the democrats; and I think two hundred might be named as about the number so changed in Sumter County. I believe that the presence of the troops did influence six to eight hundred colored voters, who had promised not to vote at all, to vote the republican ticket.

Q. After the proclamations of President Grant and Governor Chamberlain, were there any white military clubs in Sumter County, which were visible or known to you?—A. I neither saw nor heard any demonstrations from any white clubs after the proclamations. I did see and hear of some such before. As chairman democratic executive committee of this county I did advise the disbandment of the clubs, by speaking to some members thereof. I do not know if they did so or not.

Q. Did the proclamations disband the colored militia?—A. I saw a company of colored persons drilling in the town of Sumter, subsequent to this proclamation with arms. I did not know if they were militia or not.

Q. Did not the proclamations of President Grant and Governor Cham-

berlain overawe, intimidate, and prevent many colored democrats from voting the democratic ticket?

(Objected to on the ground that the question is too general—is hearsay, or opinion.)

A. The effect of those proclamations was to disarm the whites and to keep the colored militia and other republicans armed. This intimidated many colored persons, and made them vote the republican ticket.

(Here the clauses of the constitution of the State, as to registration, were introduced.)

Q. Has any registration of voters, as required by the constitution, ever been had in this congressional district?—A. There has been no registration of electors provided for by law in this county, and none has taken place.

Q. How many tickets were there for the voter to use at the recent election?—A. There was one general ticket for each voter of either party, embracing all offices to be voted for, Federal, State, and county.

Q. Did the board of county canvassers open the ballot-boxes, after they had been sealed by the precinct-managers, and alter the returns received from such precinct-managers.

(Objected to unless it applies to the congressional election.)

A. They did open some of the boxes, and counted the ballots for some of the officers voted for—State offices—and I think county officers. I think they counted only State offices and county; they did not recount for Congress, but they had those ballots out of the boxes. They opened Sumter box, No. 1, Privateer, Stateburg, Providence, Rafting Creek, Spring Hill, Bishopville, Lynchburg, Shiloh, Maysville, Johnson's Store, and Swimming Pens, and counted over Rafting Creek, Stateburg, and Privateer boxes. They altered the returns of all these last named.

At this point a notice was produced from Mr. D. D. McCall, naming Mr. F. F. Teicher to take testimony with Mr. E. W. Moise as a notary public.

Mr. Blanding resumed:

In reply to the question as to intimidation, I say, that a good many colored persons stated to him that they desired to vote the democratic ticket, but were afraid to do so, from fear of bodily harm from colored republicans. Some of these informed me that they voted the republican ticket. Two of them voted the democratic ticket privately, and requested me not to let it be known.

(Answer objected to as hearsay.)

Cross-examined by Mr. McCall:

Q. About how many United States soldiers were stationed here?—A. About fifteen.

Q. Was not the last an exciting contest?—A. It was.

Q. Did not the democratic party organize itself into clubs?—A. They did form 17 democratic clubs.

Q. How many rifle-clubs were formed in the county of Sumter?—A. I heard of two—one saber and one rifle club in Sumter.

Q. Was it not the policy of the democrats to hold out inducements to colored persons to vote the democratic ticket?—A. The democrats did try to influence the votes of colored persons by assurances of countenance and assistance, but not by the payment of money.

Q. Was it not a part of the policy of the clubs to refuse employment to colored persons, or to refuse to rent land to colored persons, who voted the republican ticket?—A. It was thus: Where two persons applied for employment, a preference was to be given to those who voted the democratic ticket. There was no pledge not to rent land or employ persons

for political opinion sake, or on account of their voting either ticket—except one club.

Q. Do you know of persons who were discharged on account of their votes in the last election?—A. Not one.

The following is the democratic pledge:

“SUMTER, S. C., *October 25, 1876.*

“The democratic executive committee recommend the adoption of the following pledge:

“J. D. BLANDING,

Chairman Democratic Executive Committee.

“A. W. SUDER, *Secretary.*

“The State of South Carolina:

“We, the undersigned, citizens of Sumter County, hereby pledge ourselves (each for himself) that we will not assist or extend any favor to any person of either race or color who shall vote for the republican State or county ticket at the election on 7th November next; and that we will, in all business transactions, give the preference to such persons as shall vote the democratic State and county ticket at said election.”

Q. Did not the mounted democratic clubs parade in the town of Sumter?—A. Yes; on two occasions—on the day of the Hampton’s mass-meeting the clubs all came in—and squads of six or seven, at my request, came in on the day of the republican mass-meeting, as an extra police, to preserve the peace of the town.

Q. What was the object of having the clubs come in mounted on Hampton’s day?—A. It was to make as large and as peaceful a demonstration as could be made of the political power of the party in the county.

Q. Was it not the purpose of the democrats to overawe the republican voters?—A. It was not—not so intended, and was expressly declared that there was to be no intimidation—so expressed then and afterward.

Q. How long since there has been a straight-out contest between democrats and republicans?—A. Never before.

Q. Was not the meeting of the democrats on the day of the republican meeting called for the reason that there was to be a meeting of the opposite party on that day?—A. It was not. It was determined on by me before I knew of the call to be made for the republican meeting. After I heard of the call for the republican meeting, I ordered squads of democrats to come mounted.

Q. Previous to the arrival of United States troops, how many persons promised you to vote the democratic ticket who after the troops came voted the republican ticket?—A. About fifty, at least, to myself personally.

Q. Do you know that these parties did not fulfill their promise?—A. I was informed by some of these persons that they had voted the republican ticket on account of fear of other persons of their own race—about twenty of these.

Q. If they were afraid of their own color, how do you attribute their change of position to the presence of United States troops?—A. In regard to those persons I do not attribute their change to the troops.

Q. Is it not your opinion that the colored republicans are not to be relied on when they promise their votes to democrats?—A. Some are and some not, but I must that the majority are not reliable.

Q. You state that the arrival of troops here a few days before the election caused many republicans to vote the republican ticket who had

before promised not to vote at all; how did this happen?—A. Many persons were informed that the troops were brought here to put them into the penitentiary if they did not vote; this information I derived from several republican voters; some before and some after the election told me that they were so informed. One told me that he had been informed to the same effect, and subsequently voted the democratic ticket.

Q. How many can you specify who did actually vote the republican ticket, having promised not to vote at all?—A. I cannot specify persons, as I do not know the fact of my own knowledge that they voted or did not. I saw only one person vote besides myself.

Q. Did the proclamations destroy the organizations in your county?—A. I do not know. From hearsay, I can say that they did disband about a week after the governor's proclamation.

Q. How did the proclamations intimidate colored republicans?—A. By showing the entire absence of physical power in the democrats, and the concentration of all actual armed force in the hands of the republicans.

Q. Was not this one of the effects of the troops and proclamations, to show to the colored voters assurance that they would be free to vote as they pleased?—A. No. The knowledge that all the armed organizations would be republican gave preponderance to the idea of force on that side; the effect on the minds of some was freedom to vote as they pleased, but on the minds of the majority it was to vote the republican ticket.

Q. Did the troops take any part?—A. They did not. I did not see them on duty near the polls. I was not out but once on the day of election.

Q. Did not the democratic party see the troops—

(Question withdrawn.)

Q. Is not the name of each voter registered on a poll-list, and does he not take an oath before he does vote?—A. The word register I shall not use in my answer. As each voter presents himself to vote, his name is put down on a poll-list, and he is given an oath to take before his vote is received.

Q. Did you not instruct the democrats at the different places of voting to seal up the box with the statement and poll-list inside, one or both?—

A. As chairman of democratic executive committee, I instructed the democratic manager of each poll to have at least two poll-lists kept, and better three, one by the clerk of the managers, one by some person to be appointed by him or by himself, and one for the republican managers, if they wished it; that the moment 6 p. m. struck they should require all the managers to sign the two or three poll-lists, to place one of the poll-lists so signed in the box, keep one themselves and send it to me, the third the republican managers should have. They should then seal up one list in the box, paste a paper round the box, covering the poll-hole, key-hole, and bottom, and that the managers should write their names across the key-hole and poll-hole of the box.

Q. What about the statement?—A. I read them the law as to the statement.

Q. You were present when the boxes were opened; were not the managers sent for?—A. The managers were sent for in those cases where the boxes were to be recounted, and in those cases the democratic manager and one of the republican managers were present; as to one box, I think all three were there.

Q. Why were those three boxes recounted?—A. My recollection is that it was to correct what they supposed to be clerical errors in the statements of precinct managers in reference to State officers.

Q. Did not the result show that the supposed clerical errors were really such?—A. It did in all cases except one, in reference to a county officer.

Q. The other boxes which were opened, and not referred to in the last two cases, were opened for what purpose?—A. The county canvassers stated that the statements were sealed up in the boxes, and they opened the boxes to get them out, and did get them out, and made up their county statement from such returns.

Q. Did the opening of the boxes by the county board make any change in the vote for member of Congress?—A. There was no change made in the matter of members of Congress.

Q. Were you not present during the entire time of the session of the board of county canvassers?—A. I was, for the purpose of inspecting their whole action.

In reply :

Q. Were the colored people in Sumter County fully and completely organized before the democrats were organized?—A. There were many colored brotherhoods before the democrats organized.

Q. Did the Union brotherhoods turn out in the republican demonstration, with their banners, at Sumter?—A. They did, both in Sumter and in the county.

Q. How long before the election was the rifle-club formed?—A. Long before the campaign opened.

Q. Is that the circular you issued?

(Circular produced and offered in evidence; no objection.)

A. It was, and was widely distributed. It was the instructions of the State executive democratic committee.

Q. At the time the republican mass-meeting was held at Sumter, had not the democrats determined upon a general mass-meeting for the same day, and was it not postponed to make a collision impossible?—A. It was. As soon as I heard that the republicans had called their meeting for the same day, I sent out and notified the democrats not to come, but only to send in detachments of men who could maintain the peace.

Q. What reasons were given to you by those colored voters who had promised to vote the democratic ticket and then failed to do so—for their conduct?—A. Some stated that it was from fear of their republican colored friends, others because they thought they were compelled to vote the republican ticket by reason of the presence of the troops, and there were two who told me this as their reason; one I believed and the other I did not.

Q. Are not the colored race very easily affected by force?—A. They are easily impressed by organized power.

Q. Where did the boxes remain after they had been opened by the county canvassers?—A. They remained in the custody of the county canvassers.

JAMES D. BLANDING.

Sworn to, after having been read over, before me, this fifteenth day of February, A. D. 1877.

[SEAL.]

E. W. MOISE,
Notary Public.

Here introduced, without objection, five sheets, certificates of H. E. Hayne, secretary of state of South Carolina, as to election-returns.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

J. M. WILDER, sworn, testifies :

Question. Were you a resident of Sumter County during the recent political campaign and election ?—Answer. I was.

Q. Was there, in Sumter County, any domestic violence, insurrection, disorder, violent conduct, foreign invasion, or discord in the county, up to the time of the election on 7th November, 1876 ?—A. There was entire peace in the county.

Q. Were any United States troops stationed here, and where were they stationed ?—A. There were troops stationed both at Sumter and Lynchburg. I saw them. Those at Sumter were four hundred yards from the polls; at Lynchburg they were about one hundred and fifty yards off.

Q. Did not the presence of United States troops intimidate colored voters ?—A. I do not know; some of the voters did not know that the troops were there; there was a small branch intervening between the polls and the troops.

Q. Were there any United States deputy marshals at Lynchburg ?—A. John H. Legare was acting as such; was a candidate for coroner on the republican ticket. I saw him arrest a democratic citizen on a charge of giving two tickets to a voter.

Q. Who was acting as supervisor ?—A. Capt. J. B. Johnson, a candidate on the republican ticket for the legislature.

Cross-examination by D. D. McColl :

Q. Was there any violence at any precinct in the county, or apprehension thereof ?—A. There was apprehension of trouble, but no violence at any place I visited.

Q. You say that Legare was acting as marshal at Lynchburg. Did he not arrest a party on the charge of giving two tickets to be voted at once ?—A. I do not know any more than I heard, and that was that Legare arrested a Mr. Wilson for giving two tickets to a voter. He was discharged, the supervisor having seen the transaction, and but one ticket having gone into the box, although both were folded together.

Q. Were there not democratic clubs formed into rifle-clubs in Sumter County ?—A. I heard of clubs, one at Sumter and one at Swimming Pens, and they known as rifle and saber clubs.

(Objection to the above as hearsay.)

Q. Did you not, on Hampton's day, see a large number of horse-men ?—A. I did. They were democrats.

Q. Did those parties have side-arms ?—A. Yes; I saw some men with pistols.

Q. What was the object, on Hampton's day, of having those men assembled ?—A. I suppose to show the numbers of the democratic party.

Q. Were they not for the purpose of overawing the republicans ?—A. I cannot say so; I saw both parties meet.

In reply :

Q. In the demonstrations here on horseback were there not colored men as numerous as white, both republicans and democrats ?—A. O, yes; I saw many colored men mounted, and with side-arms. I have been sheriff of this county and I never saw as peaceable a time; there were as many republicans as democrats mounted.

Q. Who was the Mr. Henry Wells, who said he would have troops at Lynchburg ?—A. He was a prominent republican, and manager at Lynchburg box.

Q. Did the rifle or saber clubs do anything, or muster after the proc-

lamations?—A. I never saw them muster at all. I know they never appeared on the streets with arms.

J. M. WILDER.

Sworn to, after being read over, before me.

[SEAL.]

E. W. MOISE,
Notary Public.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

J. M. Wilder, continued :

Q. Did not these parades on horseback raise the apprehension that there would be trouble?—A. Some nervous persons were apprehensive, and I know that they met, when both parties were mounted, and the republicans were numerous; I saw no violence. I was a candidate on the democratic ticket for sheriff.

Q. Did any mounted clubs ever go to a republican meeting?—A. No; not in this county.

Q. How many soldiers were there in the county of Sumter?—A. About fifteen privates and two officers, at Sumter Court-House. At Lynchburg there were one lieutenant and about ten men, brought from Timmons ville; and I heard Mr. Wells say he brought them there; in all about 29 men.

Q. Did you hear any complaint against the soldiers?—A. I did not; they were very quiet.

Q. Did not certain citizens, influential democrats, speak to the soldiers and officers when they left, and what did they say?—A. They certainly expressed themselves as satisfied with the conduct of the soldiers and officers.

A. J. MOSES sworn.

Question. Are you a resident of the county; how long have you been so; were you in the county during the late political campaign?—Answer I have been a resident of Sumter County since 1842; was here during the last campaign.

Q. Was there any insurrection, invasion, domestic violence, or threatened invasion of this congressional district during the recent campaign?—A. Not to my knowledge.

Q. Was civil process unobstructed?

(Answer objected to as hearsay or opinion.)

A. It was entirely peaceful to my knowledge.

Q. Was there any resistance made or threatened to civil process; were the courts open and unobstructed during all that time?—A. They were open and unobstructed; there was no resistance made or threatened that I know of.

Q. Was there any disturbance of the public peace at any of the polls?—A. None to my knowledge.

Q. Was there any such circumstances or facts as rendered a well-grounded apprehension that the peace would be disturbed?—A. There were not.

(Objected to as opinion.)

Q. What effect upon colored voters was had from the introduction of troops; what influence did it have?—A. I think it made them vote the republican ticket; many severe threats had been made by colored republicans against persons of their own color who should vote the democratic ticket; and the troops were supposed by the colored people to

have come here for the purpose of aiding these persons to carry out such threats.

Q. Was it a fact that the introduction of United States troops was threatened by some of the leading republicans before they came?—A. It was so threatened by leading radicals.

Q. Did United States deputy marshals take any active part in the election?—A. I knew one A. L. Singleton, a deputy United States marshal, who did try to get certain North Carolinians, who had been challenged as brought here to vote the republican ticket, allowed to vote over the protest of the democratic challenger.

Q. Did you see Harrison Witherspoon; was he a deputy marshal; did he take part?—A. He took an active part; I saw him.

Q. Was there or was there not a widespread intimidation of the colored voters?—A. There was; and they were afraid of colored republicans; I got my information from what the voters told me themselves.

(Objected to as hearsay.)

Q. Give an instance.—A. Charles Richardson, a colored man, was indebted to me for a mule, and I had sold him a mule and a wagon, and I had another mule to sell him on credit. I told him that I wanted him to do me a favor in turn by voting the democratic ticket. He evinced a great desire to do so, but said that it would not do for the colored people in his section to know it.

(Statements of Richardson objected to.)

I told him that he must come on election-day and let me see him vote, as if he told me he had done it, and swore till he was white as my shirt, I would not believe it. He came after the election and told me that he had voted the democratic ticket, but I did not believe it, and took my wagon back.

Q. Did not colored women take part in this intimidation of colored voters?—A. They did, and men's wives actually swore that they would leave their husbands and not permit them to come near them if they voted the democratic ticket.

(Objected to as necessarily hearsay.)

On the day of election women were opposite the polls, only across the street, and were loud in their denunciation of men who voted the democratic ticket. They were also violent on days of public meetings in such demonstrations.

Q. What reason was assigned by the colored people who were republican voters for the presence of the United States troops?—A. They, the colored radicals, said that the troops were sent here to enable them to keep the colored people from voting the democratic ticket.

(Objected to as before.)

Q. After the proclamations, did the rifle-clubs drill or muster?—A. I never saw them on the street afterward; they did not have any guns belonging to the State or the United States.

Q. Were there any colored rifle-clubs?—A. I have seen a colored rifle-club on the green; never knew of their disbandment. Never saw them turn out after the proclamation.

Q. Have you ever seen any democratic clubs turn out with arms after the election or before?—A. I never did.

Q. Did you see any United States troops at or near the polls?—A. I did not.

Cross-examined by Mr. D. D. McCall:

Q. What was the object of the formation of the rifle-clubs and saber clubs?—A. To protect the members from the invasion of an enemy.

Q. What enemy did you hear of?—A. None.

Q. Was there apprehension in the community of violence?—A. I know of none.

Q. What was the object of the large procession on horseback on Hampton day?—A. To do honor to Governor Hampton and to hear him speak.

Q. Was there nothing in the campaign to produce apprehension of trouble?—A. I did not think that there would be any real trouble, but I suppose the clubs were formed and every man more or less armed himself for the purpose of preventing any disturbance which might have taken place if the people were unarmed.

Q. On what do you base your statement that the presence of troops had the effect of preventing colored men from voting the democratic ticket?—A. Six or more.

Q. How came the men to promise you to vote the democratic ticket?—A. I electioneered with them.

Q. How came the men who worked with you to vote the democratic ticket?—A. I went with them and saw them vote; they voted of their own free choice. I would not let any person interfere with them.

Q. Were you not pledged to make distinctions against colored men who voted the republican ticket?—A. I pledged myself to myself to give preference to those colored men who voted the democratic ticket.

Q. Did the men on your place know it?—A. I did not tell them, but was very open mouthed about it on the street. I never electioneered those men at all. They had both previously joined the democratic club.

Q. How do you know that colored men supposed that United States troops came here to keep their colored voters from voting the democratic ticket?—A. More than a dozen told me so. We would have carried this county by a large majority but for this intimidation. Marcus Spann said so, and others. I do not know that they used the very words, but they intimated it very plainly. It is my impression that W. J. Andrews said words to this effect. Can't mention any other names.

Q. Did not the white ladies turn out on Hampton's day and evince great enthusiasm?—A. They did.

In reply:

Q. What influence could the rifle-club of Sumter have upon the election?—A. None. It was formed two years ago.

Q. Was there cavalry in this county?—A. None. There were plenty of mounted farmers and citizens, but no cavalry as such.

Q. Why were the citizens mounted?—A. To do honor to General Hampton.

A. J. MOSES.

Sworn to, after being read over, in presence of—

[L. S.]

E. W. MOISE,

Notary Public.

[L. S.]

FRANK F. TEICHER,

Notary Public.

OFFICE SUMTER COUNTY DEMOCRATIC
EXECUTIVE COMMITTEE,
Sumter, S. C., October 30, 1876.

The democratic executive committee, of Sumter County urges all democrats to carry out the following instructions:

1. To avoid all measures of intimidation, particularly as to firing of guns and blowing of horns, on the night before and during the elec-

tion. The party is solemnly committed, by all its protestations, to a peaceful election. Demonstrations of a peaceful character, to keep up our own spirits, and show our numbers, and all moral forces, should be brought to bear to the utmost extent.

2. To exercise strict vigilance over the votes and the polls, and by all means to be at the voting-precinct in full force before 6 o'clock Tuesday morning.

3. To look out especially for *repeaters* and the putting in of double tickets, keeping a statement of such cases, and report same to these headquarters.

4. To keep one of our lists of votes, and of the state of the polls, and report same to me immediately after *the box is closed*. Let there be no delay, as all protests must be made at once.

5. Send in full reports from each poll, immediately after *the votes are counted*.

6. Each democratic manager is requested, in person, to hand me, on Wednesday morning, a *copy of the official statement* of the count of his poll.

7. Look out for all improper practices of our opponents, and be prepared to prove them if necessary.

8. Let it be publicly understood that the democratic executive committee will indict all persons who *vote illegally*.

JAMES D. BLANDING,

Chairman Democratic Executive Committee.

THE UNITED STATES OF AMERICA:

State of South Carolina, First Congressional District.

JOHN S. RICHARDSON, CONTESTANT, }

vs.

JOSEPH H. RAINEY, CONTESTEE. }

Notice is hereby given by Joseph H. Rainey, contestee in the above-stated contested election, that he selects Frank F. Teicher, esq., a notary public of the said State of South Carolina, and having authority to take depositions in such cases as the aforesaid, to officiate with Edwin W. Moise, esq., named in the notice of the contestant as the officer before whom his testimony would be taken, in the taking of the depositions of contestant's witnesses in the county of Sumter, at Sumter C. H. February 15, 1877.

D. D. McCOLL,
Attorney for Contestee.

Darlington County.

Precincts.	Jos. H. Rainey.	J. S. Richardson.
Whipple's	444	15
Leavensworth	298	362
Society Hill	386	104
Darlington No. 2	448	32
Darlington No. 1	445	347
Timmons ville	312	481
Florence	752	303
Lydia	231	662
Lisbon	119	280
Effingham	79	161
Total	3,514	2,747

OFFICE SECRETARY OF STATE.

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing is a true and correct statement of the vote for congressman at the several precincts in Darlington County, at the general election of 1876, as appears by the managers' returns now on file in this office.

Given under my hand and the seal of the State, at Columbia, this 9th day of December, 1876.

[SEAL.]

H. E. HAYNE,
Secretary of State.

Sumter County.

Precincts.	Jos. H. Rainey.	J. S. Richardson.
Manchester	67	55
Swimming Pens	159	168
Providence	288	102
Lynchburg	198	186
Mayesville	22	121
Concord	147	128
Stateburg	482	102
Privateer	238	14
Carter's Crossing	216	99
Bishopville	198	232
Shiloh	119	94
Corbett's Store	217	95
Spring Hill	84	181
Wedgefield	150	75
Johnston's Store	382	39
Rafting Creek	281	95
Sumter No. 1	306	273
Sumter No. 2	295	330
Total	3,849	2,389

OFFICE SECRETARY OF STATE.

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing is a true and correct statement of the vote for congressman at the several precincts in Sumter county, at the general election of 1876, as appears by the managers' returns now on file in this office.

Given under my hand and the seal of the State, at Columbia, this 9th day of December, 1876.

[SEAL.]

H. E. HAYNE,
Secretary of State.

Williamsburg County.

Precinct.	Jos. H. Rainey.	J. S. Richardson.
Muddy Creek.....	130	213
Levy's Store.....	289	251
Anderson's	80	134
Indian Town.....	245	125
Cedar Swamp.....	197	70
McAllister's School House.....	16	292
Salter's.....	388	91
Sutton's	142	80
Gourdin's	338	137
Kingstree	537	269
Total.....	2,371	1,662

OFFICE SECRETARY OF STATE.

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing is a true and correct statement of the vote for Congressman at the several precincts in Williamsburg County at the general election of 1876, as appears by the managers' returns now on file in this office.

Given under my hand and the seal of the state, at Columbia, this 9th day of December, 1876.

[SEAL.]

H. E. HAYNE,
Secretary of State.

Statement of vote for Congressman 1st congressional district, election of 1876.

Counties.	J. H. Rainey.	J. S. Richardson.
Chesterfield	981	1, 622
Marlboro	1, 609	1, 941
Marion	2, 502	3, 140
Horry	593	1, 922
Total	5, 685	8, 625

OFFICE SECRETARY OF STATE.

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing is a true and correct statement of the vote for Congressman in the counties above named, in the general election of 1876, as appears by the returns of the commissioners of election now on file in this office.

Given under my hand and the seal of the State, at Columbia, this 9th day of December, 1876, and in the 101st year of American Independence.

[SEAL.]

H. E. HAYNE,
Secretary of State.

Georgetown County.

Precincts.	Jos. H. Rainey.	J. S. Richardson.
Georgetown	625	302
Grier's	180	43
Bird Field	318	71
Sampit	173	248
Lower Waccamaw	120	165
Black River	136	45
Choppee	197	31
Santee	523	40
Brook Green	332	58
Carver's Bay	80	149
Total	2, 684	1, 152

OFFICE SECRETARY OF STATE.

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing is a true and correct statement of the vote for Congressman at the several precincts in Georgetown Co. at the general election of 1876, as appears by the managers' returns now on file in this office.

Given under my hand and the seal of the State, at Columbia, this 9th day of December, 1876.

[SEAL.]

H. E. HAYNE,
Secretary of State.

W. A. COOPER sworn for contestant, February 17:

Q. Are you a resident of this county, and were you in this Sumter County during the last campaign?—A. I was a manager at Johnston's Store precinct, and have resided in this county twenty-nine years.

Q. At what hour was that box opened?—A. I requested the republican supervisor to state the hour; he said it was 6 o'clock.

Q. Who acted as clerk and kept the poll-list?—A. Hampton Cain, a colored man; no one else kept it. No sworn manager kept it. Hampton Cain was not sworn as clerk of the board. He absented himself a short time, and I kept it in his absence.

Q. Did any of the managers absent themselves?—A. The chairman did a short time, and I acted in his absence.

Q. During the absence of the chairman, did voters present themselves and vote?—A. They did, and were sworn by no one but myself.

Q. After the voting ceased, did the counting immediately proceed?—A. No; two of the managers went to supper and were gone about three-quarters of an hour.

Q. Did any minors or persons under age vote?—A. Many who seemed to me to be under age were challenged, but they took the oath and voted.

Q. How was the result reached; were the ballots counted?—A. No; they were not.

Q. How was it done?—A. They were thrown out of the box, and I took out the white tickets, which I supposed were the democratic ones. One of the managers took charge of the red tickets, and counted them in a pile without reading the names. The republican counted out the red tickets in my presence and stated the aggregate. I saw him count them; he counted them aloud.

Q. Do you not know that there were democratic red tickets in this county at said election?—A. I did not know it then, but know it now.

(Objected to as hearsay.)

Q. How was the result attained?—A. We counted two piles, one of white tickets and one of red. I then read out one white ticket, he read one red ticket, and we credited each side with the number of each colored ticket voted. We gave the republicans credit for every red ticket voted, and the democrats credit for every white ticket voted.

Q. Was it ascertained by inspection of each ballot that there were votes on them for each candidate for whom they were counted?—A. No; but I looked at each ballot as it was thrown down and I did not notice any scratched tickets.

Q. Were colored people intimidated by colored people in your neighborhood?—A. A great many complained to me of such practice.

(Objected to as hearsay.)

Q. Give instances.—A. A certain individual told me that he was notified that if he either staid home or voted the democratic ticket his property or person should suffer. He had staid at home and did not vote; his hog was killed just after the election.

Q. Were any reasons assigned to you by colored people why they could not vote the democratic ticket?—A. Many persons have told me that they were afraid to do so, but were not willing to come out and state facts, lest they should suffer even after the election.

(Objected to as hearsay.)

Q. Have you tried to get them to come here to testify?—A. I have, but they assure me that they are afraid, even at this late day.

Q. Do you know any instance of the intimidation of colored people by colored people?—A. I know an instance in which there was a man who had promised not to vote at all, and did not; but his wife was in-

duced by her relatives and friends to leave him, and did so, in consequence of his refusal to vote the republican ticket. These friends of his wife had persuaded her to persuade him to promise not to vote the democratic ticket, and he did so; subsequently they advised her to insist on his voting the republican ticket, but he would not do that, and she finally quit him for that reason.

Q. Was it peaceable in your section during the campaign?—A. There were no riots or disturbances that I know of. It was as quiet and peaceable as could reasonably be expected in such a campaign.

Q. Were the courts open and in full operation?—A. They were.

Q. Was there any resistance to the civil officers of the law?—A. There was not.

Q. Did you know, and was it known in your section, that the United States troops had arrived in Sumter?—A. Yes. The general impression was that there was only a few here.

Cross-examined:

Q. Was the poll-list correctly kept?—A. I judge so. I had one man outside to keep another poll-list, and they compared alike.

Q. Was one list kept by a democrat and the other by a republican, the democrat's list being an outside one, and were they both the same?—A. Yes. They were compared and found to be alike.

Q. You were the democratic manager at that poll?—A. I was.

Q. Did you on that day see any democratic ticket which was not on white paper, or any republican ticket not printed in red?—A. I did not.

Q. Did you not see since the election a red democratic ticket marked Union republican ticket?—A. I did not see one closely, and did not inspect it.

Q. Did you count the white tickets correctly?—A. I endeavored to do so.

Q. Did you follow as the red tickets were run over?—A. I did as well as I could, and think it was done correctly, so far as the number of tickets was concerned; they were open; I saw no scratches.

Q. How many white persons voted at that poll?—A. About forty-four.

Q. How many white persons at that poll voted the republican ticket?—A. Three white men voted red tickets, and were generally regarded as republicans.

Q. Mention names of all colored persons who told you that they had been intimidated by colored persons.—A. Derry Hampton, Fortune York, Isaac James, Minto Peterson, and others.

Q. Did you belong to the rifle-club at Mayesville?—A. I did until Chamberlain's proclamation.

Q. What was it formed for?—A. For home protection.

Q. If there was general peace, why raise a rifle-club?—A. We wanted to be prepared for the worst, and we did not know what was coming.

Q. How often did it meet?—A. It only met twice to my knowledge.

Q. Had they officers, and how were they known?—A. We had a captain and an orderly sergeant.

Q. What sort of gun did you have?—A. A double-barreled shotgun.

Q. How many of the company had rifles?—A. A good many got rifles just before Hampton's election and some got guns afterward.

Q. Were you disbanded?—A. Entirely disbanded.

Q. Any agreement about coming together afterward?—A. No; not more than at any other time.

Q. Did you not inform your hands that it would be necessary to vote the Hampton ticket if they desired to be retained?—A. No; I did not. I told them that I would make a preference for those who voted the democratic ticket, and such was the general understanding of the neighborhood.

Q. Did you hold out any special inducement to men to vote the democratic ticket?—A. I did not, except as above stated.

Q. Have you seen certificates since the election that the bearer had voted the democratic ticket?—A. I have seen one and heard of others.

In reply:

Q. You say that the rifle club was disbanded; when was it?—A. It was disbanded as soon as the proclamation was read, and has never met since.

Q. You stated that a Mr. Witherspoon kept an outside poll-list; was he sworn?—A. He was not.

Q. You stated that you did not see any red democratic tickets; did you inspect the red tickets to see if they were democratic?—A. I did not.

Q. Were you present when the county canvassers opened the box from your precinct?—A. No; I never saw it opened after it left my keeping; I delivered it to the county canvassers; don't know if they opened it or not.

The foregoing is a correct statement of my testimony.

W. A. COOPER.

Sworn to and subscribed before me this 17th day of February, A. D. 1877.

[SEAL.]

E. W. MOISE,
Notary Public.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

R. B. CAIN sworn:

Question. Were you a resident of this county during the late campaign?—Answer. I was a resident of Privateer precinct in this county, and was there on election-day.

Q. Were you present all day?—A. I reached the Privateer polling-precinct early in the morning; the polls were opened at twenty-seven minutes after seven.

Q. Who acted as clerk?—A. W. O. Cain.

Q. Was he sworn as clerk?—A. I think not.

Q. Was any other poll-list kept?—A. No; I think not.

Q. Who administered the oath to voters on that day?—A. James Smiling, a manager.

Q. Is this the oath administered by him?

(Here an oath written out, shown to witness, and offered in testimony without objection.) Oath as follows:

"You solemnly swear that you are entitled to vote according to the Constitution of the United States and of this State; that you have resided in this State one year and in this county sixty days; and that you have not voted at any other poll during this election: So help you God."

The within oath is the original of the oath used to swear voters at the election held at Privateer this day.

November 7, 1876.

J. E. SMILING.

A. That was the oath and the only oath administered.

Q. Was his attention called to the defect in this oath?—A. I don't know.

Q. Were any minors sworn and voted on that day and at that poll?—

A. I challenged parties who were minors to the best of my knowledge, and they were allowed to vote after my challenge.

Q. Was it entirely peaceful during the campaign; was there any threatened violence?—A. None that I know of; it was entirely peaceable.

Q. Was it known in your section that United States troops had arrived in Sumter shortly before the election and were there on election-day?—

A. It was.

Q. Did it influence colored voters?—A. I don't know.

Q. Was there or was there not an extended intimidation of colored voters in this county; by whom were they intimidated and how?—A. I know of a case of a voter who went to the polls to vote the democratic ticket; afterward he told me he had to slip off, as it was dangerous to vote the democratic ticket. The republicans had runners on every road leading to the polls, and these runners forced the tickets into the hands of voters and marched them up to the polls and voted them. (Objected to as hearsay.) The colored voters were afraid of their own color; I mean of other colored men.

Q. When did you reach the polls?—A. Between 5 and 6 a. m.

Q. How many of the managers were democratic?—A. I know of one only; his name was William O. Cain.

Q. W. O. Cain, the democratic manager, kept the poll-list?—A. He was.

Q. What caused the delay in opening the polls?—A. I heard that it was for the want of the box to put the votes in.

Q. What caused the further delay?—A. When the box came there was no key, and this caused further delay; it was opened at 27 minutes after 7 o'clock.

Q. About how many voted?—A. I have forgotten; there were a great many.

Q. Did not all persons who wished to vote have an opportunity to do so at that box?—A. Some persons voted elsewhere who belonged to that precinct; I suppose they could have voted there if they wished to.

Q. About how many did you challenge as being minors?—A. I suppose twenty; I know of two minors whose age was known to me and who voted; I did most of the challenging.

Q. What were the fears of colored voters?—A. They were afraid of losing ground with their colored republican friends and also of actual violence; I know of no actual violence done, only threats.

Q. What threats?—A. Threats were reported to me from these parties, that they should not live in the county; would be burnt out, &c.

(Objected to by the asker of the question as hearsay and not being responsive.)

Q. You mentioned the fact that republican runners met voters on every road leading to the polls and forced tickets into their hands, and carried them up to the polls and voted them. Please describe the force used.—A. They were parties there who had promised to vote the democratic ticket, and I fully believe they would have done so; they were met by these runners some forty to one hundred yards off and tickets were put into their hands by the republican runners, and they were hurried up to the polls and voted.

Q. Did you see parties acting as runners for the democrats?—A. I

saw parties come to the table and take tickets; think they tried to get them off and failed.

Cross-examined:

Q. Was there a democratic rifle or saber club organized in your neighborhood?—A. I heard of a rifle or saber club; never attended any meeting; it was four miles from where I lived, in the Privateer precinct.

Q. What was it got up for?—A. For self-protection, and in case of violence to be organized.

Q. What violence was anticipated?—A. My notion was that as the negroes showed a turbulent temper, and I think it was gotten up to prevent any outbreak.

Q. How were they armed?—A. I don't think they were armed at all; they had no sabers or rifles. I do not know of any army or improved rifle in that neighborhood.

Q. Have you seen any such papers as this? (Paper shown and marked as evidence.)

“OFFICE SUMTER COUNTY DEMOCRATIC EX. COMMITTEE,
“*Sumter, S. C., November 9th, 1876.*

“This is to certify that Ben Davis supported the democratic State and county tickets, and is entitled to the protection and favorable consideration of all democrats of Sumter County and of the State.

“JAMES D. BLANDING,
“*Chairman Democratic Executive Committee, Sumter Co.*

“A. W. SUDER,

“*Secretary Sumter Co. Dem. Ex. Committee.*

“Countersigned: J. A. MAYES,

“*President Mayesville Dem. Club.*”

A. I never saw one filled up before. I saw blanks like that.

Q. What was your policy as a citizen as to preference a proscription in reference to politics?—A. I have the same people on my place as I had last year, except one who left of his own accord. They all voted the republican ticket.

Q. Did you not advocate the preference policy?—A. I did. If I had a favor to extend, I would select my friend before I would serve my enemy.

Q. Do you or not know that the poll-list was put into the box?—A. I did not. I saw papers put into box.

In reply:

Q. Was not the intimidation so great that no colored men voted the democratic ticket?—A. None voted the democratic ticket that I know of.

Q. When did the rifle-club disband?—A. The captain told me that it was disbanded on the governor's proclamation.

R. B. CAIN.

Sworn to and subscribed before me this 19th February, A. D. 1877.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

[SEAL.]

E. W. MOISE,
Notary Public.

W. O. CAIN sworn.

Question. Were you a manager at Privateer precinct? What was the cause of the delay in opening the box?—Answer. It was because of

the absence of the box and of one of the managers, Jacob Bethune, who had the key to the ballot-box.

Q. Who were the managers?—A. Two republicans, Jacob Bethune and James E. Smiling, and myself who was a democrat.

Q. Was this the oath used? (Paper already introduced shown.)—A. That was the oath; but the word "poll" has been since inserted since in the bottom line.

Q. After the election, was not that paper put into the ballot-box?—A. It was.

Q. Was it sealed up, and to whom was it delivered?—A. It was sealed up and delivered to James E. Smiling, and the poll-list and statement were also put into the box.

Q. Was or was not a copy of the poll-list asked for and refused?—A. It was, and was refused by two republican managers.

Cross-examined:

Q. How many votes were cast at that poll on that day?—A. Two hundred and fifty-two.

Q. Did anybody offer to vote twice?—A. I do not believe so.

Q. How many democrats and how many republicans?—A. Mr. Richardson got 14 votes, to the best of my knowledge; Mr. Rainey got the residue, 238.

Q. You kept the poll-list?—A. I did, and endeavored to keep it right.

Q. Did the vote, as you state it, tally with the poll-list?—A. I think so.

Q. Did everybody have time to vote?—A. They did.

Q. Did you try to do your duty?—A. I did.

Q. Did the other managers?—A. They did.

Q. Why was poll list refused?—A. The outside pressure of the republicans.

Q. Was it not because it was regarded as against the law?—A. I asked for it myself; but "no, no, no," went up from a hundred voices inside the room.

Q. Did you write the certificate on the back of the oath, as shown and taken down as testimony?—A. I did, but the word "poll" was not then in it.

Q. Did you belong to the rifle-club in that precinct?—A. There was no rifle-club; there was one meeting to organize a saber-club, but before it was completely organized Governor Chamberlain's proclamation appeared, and the organization was abandoned; and it was not reorganized into anything.

Q. Had you elected officers?—A. We had.

Q. How long after the proclamation was it disbanded?—A. I think a week.

Q. What was it organized for?—A. I believe, and I know that it was to have been organized to protect such colored persons as might desire to vote the democratic ticket, and who might be subjected to violence; also for the protection of our homes. We could hear at any time that the negroes were organized, drilling, and mustering, and that our political meetings were to be disturbed by republicans. None were disturbed in fact.

Q. Who objected to allowing a copy of the poll-list to be furnished?—A. The republicans standing round.

Q. What is the republican majority in that precinct?—A. One hundred and twenty; but the democrats did not generally vote at that precinct, they voted elsewhere.

Q. At the time the demand was made for a copy of the poll-list, were there present few or many white democrats?—A. Very few.

Q. How soon after Chamberlain's proclamation was your club disbanded?—A. As soon as we could get word to the members.

W. O. CAIN.

Sworn and subscribed to.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

[SEAL.]

E. W. MOISE,
Notary Public.

THOMAS E. RICHARDSON sworn :

Question. Do you reside in this county?—Answer. I do; in Wedgefield voting-precinct.

Q. Did you hear, during the late campaign, W. E. Johnston, a senator from this county, make a speech at Wedgefield?—A. Yes.

Q. Detail his advice.

(Objected to as being entirely hearsay.)

A. He advised the colored women that if their husbands turned democrats to leave them, and not to cook for them. This was to the married women, and to the single ones he advised them to kick their lovers if they would vote the democratic ticket.

Q. Did any one of the colored voters give you a reason why he was afraid to vote the democratic ticket?

(Objected to as hearsay.)

A. One told me they told him at home he would have to leave if he voted the democratic ticket.

Q. Can you cite any other instances?—A. One told me he was engaged to be married, and if he voted the democratic ticket his sweetheart would jilt him.

Q. Was it generally understood that colored people voting the democratic ticket should be expelled from their church?

(Objected to as hearsay.)

A. It was so reported. Know of no instances of personal violence by colored republicans upon colored men for turning democrats.

Q. What form of oath did you hear administered at Wedgefield precinct during the election to voters?—A. "Do you solemnly swear that you are duly qualified to vote, and have not voted at any other poll except this one this day?" Heard of two or three other oaths administered, but heard no objections except to the one above quoted.

Q. Did you see any man vote the republican ticket who before stated he was not of age?

(The hearsay portion of the above question objected to.)

A. I did.

Cross-examination :

Q. You saw Samuel Crane vote at Wedgefield?—A. I saw him vote.

Q. When was it S. Crane told you he was afraid to vote the democratic ticket for fear his sweetheart would jilt him?—A. It was on the day of the election, and before he voted.

Q. Were you trying to get him to vote the democratic ticket?—A. Yes.

Q. How did it happen that you were trying to get a man to vote that was not of age?—A. I believed he was of age.

Q. Who was the democratic manager at the polls?—A. Mr. E. T. Moore.

Q. How did he repeat the oath?—A. Do not remember it.

Q. How often did you hear the oath repeated as you quoted it above?—A. Once, that I know of.

Q. Did you belong to a democratic club?—A. I did.

Q. Was it not the policy of your club to keep colored men from voting the republican ticket?—A. It was their policy, by any lawful means.

Q. Was it not the understanding of the club not to rent them land?—A. Not as a club, but individual members of the club they would not recognize it.

(Objected to as hearsay.)

Q. What other means did you resort to in order to cause colored people to vote the democratic ticket?

(Objected to only so far as this deponent is concerned.)

A. We told them that we would give them the preference in the renting of land, being also [willing] to make them advances during the summer months.

Q. Was it not the habit of your club to notify your members to go to the meetings of the republicans, in order to object to the statements being made by republican speakers that they did not agree to?—A. It was policy to have speakers there to give them the lie. He heard of Mr. Earle and one other man attending a republican meeting, and denounced some statements as false.

Q. Was this not the hottest campaign in this county?—A. I cannot say whether it was hotter than the Butler and Carpenter campaign. White people took an active part this time.

THOS. E. RICHARDSON.

Sworn to, and subscribed to after being read over.

[SEAL.]

FRANK. F. TEICHER,

Notary Public.

[SEAL.]

E. W. MOISE,

Notary Public.

CHAS. MAYRANT sworn :

Question. Were you a resident, during the recent campaign, in this county?—Answer. I was.

Q. During the election was there any danger of an invasion?—A. Perfectly peaceful as far as he knows.

Q. Was there any such disturbance that required other than the ordinary civil process?

(Objected to as a matter of opinion.)

A. There was not.

Q. Were the courts open for the transaction of business?—A. Open all the time.

Q. At any time previous to the election was there any well grounded apprehension that the peace of the county at any of the polls could not be preserved?

(Objected to as a matter of opinion.)

A. There was not any as far as I know.

Q. What effect upon the colored voters did the introduction of United States troops have?—A. I don't know that I could answer that; took no part in the campaign; don't know.

Q. Did or did not their presence in the county and congressional district influence colored voters?

(Objected to as a matter of opinion.)

A. I think it did affect the colored vote.

Q. If so, how?—A. To strengthen the republican party; it was the impression according to my notion; do not know the moral effect.

(Answer objected to, being opinion and not facts.)

Q. Was or was not the introduction of United States troops threat-

ened before actually brought into the county?—A. I heard it rumored.

Q. If so, who used threats to bring them, republicans or democrats?—A. The democrats did not desire them.

Q. Were the threats made in connection with the exercise of the ballot, or how used?—A. I cannot say; there was a rumor here that troops would be distributed all over the county, at the different polling-places, and the effect might be to protect or infect the votes.

(Objected to.)

Q. What was the number of colored voters enrolled in the county by the democrats in their clubs?—A. I cannot say.

Q. Did that number vote the democratic ticket?—A. It is my impression that a smaller number voted the democratic ticket; am not positive on the subject.

Q. What number of colored voters voted the democratic ticket?—A. I cannot answer.

Q. What was the number of colored voters enrolled in the club to which you belonged before the arrival of United States soldiers?—A. Do not know.

Q. And what number voted the democratic ticket?—A. I cannot say.

Q. Did any of the United States supervisors or deputy marshals take any active part in the election; did any assist in distributing the republican ticket?—A. I do not know; think they did.

Q. Was there or was there not in the county a wide-spread terrorism among colored voters?—A. I believe there was.

(Objected to as a matter of opinion.)

Q. Was there, on the 14th of October, a large number of colored women in the procession, and what was their conduct?—A. Several hundred; my attention was attracted to them by their furious conduct. They were dancing, whooping, and making noise; committed no personal violence of any kind.

Q. Do you know of instances by which colored men were deterred from voting the democratic ticket?—A. Heard of some.

Q. Before the introduction of the Federal garrison here, did not a large number of colored voters join the democratic club?—A. A considerable number in this place.

Q. Was it not manifest after the arrival of the troops, the falling off of the interest of the colored people to attend the meetings of the democrats?—A. I think it had a decided effect.

(Objected to as a matter of opinion.)

Q. Can you state what were the declarations and teachings and impression of the colored leaders?—A. My impression was derived from the community at large, that the troops were here at the instance of the republican party, so far as I know, and the public peace did not demand it.

(Objected to as a matter of opinion.)

Q. Was it not to be supposed that before the proclamation the county would be carried for the democratic party?

(Objected to as a matter of opinion.)

A. I derived that impression, and thought so, but I doubted it.

Q. Did you ever hear, during the campaign, from the republican leaders, alarming consequences of voting the democratic ticket?—A. I never heard but two speeches; do not remember that they were threatened of going back into slavery.

Q. Was there any registration in this county of the voters in it?

(Objected to as a matter of opinion.)

A. There was none.

Q. Was the State government, county, &c., before the election, republican?—A. Yes.

Cross-examination by D. D. McCall:

Q. You say that the manner of the colored women, by whooping, dancing, &c., on the 14th of October, 1876, was violent; did not the cavalry in the Hampton procession whoop, holler, &c., on the Hampton's day?—A. I heard a great deal of cheering.

Q. Was this not also violence?—A. No.

Q. Did you notice any falling off in the number of colored democrats from the clubs between the coming of the troops and the day of election?—A. I can't say that I did; my opinion was there would be.

Q. State how the presence of troops influenced colored voters.—A. My opinion is that the persons representing the republican party here pointed to those troops as having come here to sustain the republican party and protect them.

Q. Did colored men join the democratic party after the troops came?—A. I cannot say.

Q. Did you know of a considerable falling off of colored democrats before the arrival of troops?—A. I do not.

Q. Did the troops behave while here?—A. Saw nothing improper, as far as I am concerned.

Q. Was there considerable apprehension of trouble and collision during the campaign?—A. Not in organized shape, but there was between individuals, growing out of the excitements of the campaign.

CHARLES MAYRANT.

Sworn and subscribed to before me this 16th day of February, 1876.

[SEAL.]

F. F. TEICHER,
Notary Public.

[SEAL.]

E. W. MOISE,
Notary Public.

MAT. BROOKS, colored, sworn and examined before F. F. Teicher, notary public, says:

Question. Were you a resident of the county during the last year?—

Answer. I was.

Q. Were you here at and during the election?—A. I was.

Q. What was the condition of affairs?

(Objected.)

A. It was peaceful during the campaign.

Q. Was there such a condition of things as to require the introduction of the United States troops in this county?—A. No.

Q. Did you see or know of any obstructions to legal process?—A. No; did not; staid at home.

Q. Were the courts open?—A. Yes.

Q. Do you know of any general apprehension or alarm that the officers of the law could not keep the peace?—A. No.

Q. Before the arrival of troops, did not a great many colored people join the democratic party?

(Objected.)

A. They did join in large numbers.

Q. Is it not a fact that after the arrival of the troops the colored people held off joining the democratic clubs?—A. They did.

Q. What was the effect of the presence of the troops on the colored people?

(Objected to as a matter of hearsay.)

A. I thought that they were sent here for to give more privileges to republicans, to back them up in their privileges; this was the impression among the republicans.

Q. Did you know of any threats made to bring troops here?—A. Five to six weeks before they were expected to come; said that they were sent for and would arrive.

Q. Who did you hear speak so?—A. The republicans.

Q. You were here; do you know that all the colored people who joined the democratic club voted that ticket?—A. A great many promised to vote it, and a great many did.

Q. Did as many vote that promised to vote?—A. They did not.

Q. Do you not know that the leaders of the republicans alarmed these colored democrats by telling them if they voted the democratic ticket they would go back into slavery?

(Objected to as hearsay.)

A. I know it is so, and heard it. It was first remarked here that they would go back into slavery; afterward that they may as well be in slavery as to have their rights taken from them.

Q. Is it not a fact that they are (colored people) generally timid and easily alarmed?—A. I know it is so.

Q. Do you know whether or who are deputy marshals?—A. I think A. Singleton.

Q. Did he take any active part during the campaign and election?—A. He did.

Q. Do you know whether H. Witherspoon was a marshal or not?—A. Think he was acting as marshal, and know he was.

Q. Do you know whether those two men were active in distributing republican tickets?—A. I do not know it.

Q. Do you know that there was a general fear on the part of the colored people to vote the democratic ticket?—A. There was; know that one man's wife left him; heard so in churches; great many afraid to go home because he turned democrat.

Q. Was there threats made by the women?—A. I heard one woman say if her husband would vote the democratic ticket she would put kerosene oil in the blanket and burn up the blanket.

Q. Do you know whether this advice was given them?—A. It was giving by the leaders, who advised the women. W. E. Johnson advised to forsake their husbands and sweethearts and make them vote the republican ticket; also, Tindall told them that he had land for them to fall back upon.

Q. Did not large numbers of colored women turn out in the procession in October?—A. One hundred of women turned out.

Q. Were they wild and excited?—A. I don't know; never heard of remarks; they appeared to be in great glee, and declared that in case their husbands would vote the democratic ticket they could not sleep at their homes.

Q. Do you know whether the government of the State and other officers of the State county, were Republicans or democrats?—A. Republicans.

Cross-examination by D. D. McCall, esq.

Q. What is your occupation?—A. Kept restaurant for six or seven years, and keeping it yet.

Q. Your restaurant has been patronized by what classes?—A. By both classes.

Q. You are a colored man; when did you become a democrat?—A. In

1874; I then changed; voted for J. T. Green, and voted the democratic ticket since.

Q. When did you go to Columbia in the convention with the democrats?—A. In April, 1876.

Q. Have you not been an outspoken politician for the democratic party?—A. I have been an outspoken politician for the past year.

Q. Was your restaurant open during the campaign?—A. It was.

Q. Did you not have a sign over your restaurant?—A. I have. "Hamp-ton's Headquarters" is the sign.

Q. Were you not told by democrats that unless you worked for the democrats they would not patronize you?—A. They did not; neither side interfered with me or threatened me.

Q. Did you not attend republican meetings and asked questions as a democrat?—A. I did once; asked a question about promises made; was threatened to put him out, when Samuel Lee, a republican, said not to do it.

Q. Did you not say that the court of general sessions was open during the campaign?—A. It was open during the campaign.

Q. Did you not say colored people acted different after the arrival of troops, and did they not say that they would have their rights?—A. I heard colored people say that, and that troops would protect them in their rights.

Q. Did not as many colored people vote the democratic ticket that promised it, and why?—A. They were led away by being told that if they voted the democratic ticket their wives would not let them have any peace at home, and that their liberties would be taken from them.

Q. Did you not vote the democratic ticket?—A. I did.

Q. Did anybody interfere with you?—A. No.

Q. You know of the democratic processions?—A. I do know of it.

Q. What did you get in the democratic procession for on the republican day?—A. Being a democrat and not afraid.

Q. Did you see troops take any part in the election?—A. They did not.

Q. Did not the democrats of Sumter try to influence and cause the colored people to vote with them, or not get any lands to rent?—A. I do not know.

Q. Did you not hear of any such pledges?—A. Did not.

Q. Was it not a very hot, excited election?—A. Think not very exciting.

In reply:

Q. If it were not for the teachings of the republican leaders that the colored people would be put back into slavery and their rights taken, and intimidation of the colored women, and the introduction of United States troops, that the county would have been carried by democrats?

(Objected to as a matter of opinion and hearsay, and not in reply to cross-examination, and too general.)

A. He believes it would have gone democratic, and heard republicans say so.

MAT. ^{his} + BROOKS.
mark.

Sworn to and subscribed to after being read over.

[SEAL.]

FRANK F. TEICHER,

Notary Public.

[SEAL.]

E. W. MOISE,

Notary Public.

CHARLES H. JONES (white) sworn :

Question. Are you a resident of this county?—Answer. I am.

Q. Was the county in a state of peace during the campaign? A. It was.

Q. Was there any domestic insurrection or violence requiring the intervention of armed troops here?—A. No obstructions to lawful process. (Objected to as a matter of opinion.)

Q. Did you see any obstruction to lawful process?—A. Did not.

Q. What was the general impression in this county about the troops being brought here?—A. Brought here to strengthen the republican party and give confidence to the colored people.

(Objected to as a matter of opinion and hearsay.)

Q. Do you know of threats of violence made against the colored people?—A. Don't know of any.

Q. Do you know that colored democrats were denounced bitterly by colored republicans?—A. They were. I heard on the streets that parties said their liberties would be taken from them and they put back into slavery.

Q. Were not, on the republican demonstrations, the women in strong forces?—A. They attended in strong numbers, and danced after the music.

Q. Before troops were brought was there not a reasonable prospect to secure colored men at the meetings?—A. Yes.

Q. After the arrival of the garrison was there not a great falling off in numbers?—A. There was. Stated that they could not have any peace in their family, and that their privileges would be taken away if they voted with the democrats; heard nothing about the troops.

Q. Did you not hear before the arrival of the troops that they would come?—A. I heard three to four weeks before they came. (Objected to.) Heard it from republicans and democrats that troops would come.

Q. Do you know that colored voters became so alarmed that they were afraid to vote the democratic ticket?

(Objected to as a matter of hearsay and a matter of opinion.)

A. They were. Privileges were taken from them.

Q. Was there not a general impression in this county that troops were brought here to make colored people vote the republican ticket?—A. It was my impression.

(Objected to as a matter of opinion.)

Q. Do you know whether A. L. Singleton and H. Witherspoon were deputy marshals?—A. I know Singleton was one, and think H. Witherspoon, also; it was reported so.

Q. Did those persons take an active part on the part of the republicans?—A. Both did; especially at the first portion of the campaign.

Q. Did not a large number of colored men that promised to vote the democratic ticket fail to do so?—A. A large number; some that never broke their word before.

Q. Do you not attribute this to the fact, to the teachings of the leaders, and their threats that they would be put back into slavery?—A. I do. (Objected to as a matter of opinion.) States that some men were turned out of church for offenses committed two years previously.

Q. Do you know whether a colored company of militia was in town, and had arms?—A. I do not know.

Q. Do you not believe that if it had not been for bad teachings of the republican leaders, to be put back into slavery, the excitement, and the

introduction of troops, and violence of the colored women, that this county would have been carried for the democrats?

(Objected to.)

A. He believes it would have been.

Q. State grounds of your belief.—A. They were joining the clubs in large numbers, and a good impression had been made upon the colored people.

Q. Did you hear of any threats on the part of colored women?

(Objected to as hearsay.)

A. I heard one woman say she would scald her son to death if he voted the democratic ticket.

Mr. JONES recalled:

Q. How many colored men promised you to vote the democratic ticket did not do it?—A. About one hundred.

Q. How many of that number were reliable?—A. About a dozen.

Q. Do you know of colored men voting the democratic ticket that afterward denied the fact to their friends?—A. I do.

Q. To what do you attribute this?—A. Evidently afraid of something; don't know what; whether losing position in society.

Cross-examination by D. D. McCall:

Q. You say that a hundred colored men promised to vote the democratic ticket and did not do it; how do you know they did not do it?—

A. They said they did not vote; you can find a hundred men or more now to say that they voted for Hampton, if Hampton was really governor, and would say the same about Chamberlain.

Q. Have you any idea how these men promised to vote the democratic ticket did vote?—A. I believe they did not vote it by reason of the majority of the republican party.

C. H. JONES.

Sworn to and subscribed after being read over.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

[SEAL.]

E. W. MOISE,
Notary Public.

Cross-examination by D. D. McCall:

Q. Did a white man, advocating the election of the republican ticket, occupy the same social position as the ones advocating the election of the democratic ticket?—A. They did not; and were looked upon with contempt, and never did occupy that position.

Q. Were not on Hampton's day the ladies out in full force?—A. They were.

Q. Did not the prominent white people of the town express themselves satisfied with the coming of the troops here?—A. They were satisfied, and had no objection to their coming.

(Objected to on the ground of opinion and hearsay.)

Q. Was there not a feeling of discouragement intimated among the colored people previous to the coming of the soldiers?—A. I think there was.

(Objected.)

Q. If colored people did not need assurance, how could the bringing of United States troops give them confidence?—A. They were scared by their leaders; don't think that troops scared them, but attribute this

to the leaders. Republicans would keep them from meetings; democrats intended to go to the meetings to correct, but were afraid to do so.

Q. Don't you know that the military did not interfere with anybody?—A. Did not interfere with anybody personally.

Q. Did you on the day previous to the election have the same assurances to carry this county for the democrats as you had two weeks before?—

A. I did not; because promises had been made that those who would be turned off for voting the democratic ticket would be furnished land by republicans and commissary stores to feed them during the summer. These promises caused a great falling off; caused by promises and threats.

Q. Was it not the policy of the democratic clubs of this county not to rent lands or furnish employment to parties voting the republican ticket?—A. The policy was to give and assist the ones voting the democratic tickets the preference.

Q. What about the leaders of the republicans?—A. Required no assistance.

Q. What alarmed republican voters to be afraid to vote the democratic ticket?—A. Afraid of being put into slavery.

Q. How many reliable colored men promised you to vote the democratic ticket that did not do it?—A. About a dozen reliable men.

Q. Do you know that these colored men who promised you to vote, did not vote the democratic ticket?—A. I do know it; and stated that they were afraid of being disfranchised, but were not afraid of going back into slavery.

C. M. HURST sworn:

Q. Were you a resident of the county for the past year?—A. I was a trial-justice, judge of probate, and United States commissioner.

Q. What was the condition of the county during that time?—A. Perfectly peaceful; was at different portions of the county during the month preceding the election.

Q. Was there any resistance to legal process?—A. There was not.

Q. Was there any apprehension of violence being done by either party?—A. Did not know of any.

Q. Was there any apprehension that such a state of affairs would arise that the ordinary civil officers could not put down?

(Objected to; being a matter of opinion.)

A. No.

Q. What effect did the introduction of United States soldiers have upon the colored people?—A. I cannot tell.

Q. How was their presence regarded generally?

(Objected to as either hearsay or matter of opinion.)

A. The presence of the troops was considered as in the interest of the republican party.

Q. Did or did not their presence in the county and congressional district influence colored voters, and how?—A. He supposes it did, but don't know how it did.

Q. Was or was not the introduction of United States troops threatened before actually brought into the county; if so, who used the threats, republicans or democrats?—A. I heard it rumored troops were coming, but heard no threats made.

Q. What was the number of colored voters enrolled in the democratic clubs just before the United States troops were intruded into the

county? Did that number vote the democratic ticket?—A. Do not know in either case.

Q. Did any United States supervisor of election or United States deputy marshal in this county, within your knowledge, take an active part in the election?—A. Can't say that I know that.

Q. Was there not a wide-spread alarm existing among the colored people from their own color to prevent them from affiliation with the democratic party?

(Objected to.)

A. I heard it rumored so, that threats were made to turn them out of churches; their wives would leave them if they affiliated with the democratic party.

Q. Was it not the teachings of the leaders of the republican party that caused the alarm?—A. Can't say it was.

Q. What reasons were assigned by colored men for not joining the democratic party?—A. I had a wide acquaintance, and heard it said that if the democrats gets into power the colored people would be put back into slavery, but that I always tried to disabuse their minds of such apprehension.

Q. Is it not a matter of belief with you that, if it had not been for this wide-spread alarm among the colored people that if the democrats got into power they would lose their freedom, followed up by the introduction of United States troops, the democratic party would carry the county?

(Objected to.)

A. As to carrying the county I do not know, but there would have been a larger number of colored democrats if it had not been for that feeling of apprehension.

Cross-examination:

Q. Did you say that the presence of fifteen United States soldiers in the county had any effect upon the vote?—A. I cannot say. Three would have as much effect as fifteen.

Q. Was it the effect of the United States soldier, if any effect at all, to assure everybody that they could vote as they pleased?—A. I suppose it was.

Q. Was it the effect of the teachings of the colored leaders or the troops that made colored men republicans?—A. They were republicans before.

Q. Did you hear any allusions to the troops or the object of their coming by colored leaders after they did come?—A. I heard no public speeches by republican leaders.

Q. Was it not the policy of the democratic party to influence colored voters on account of favors to be shown them or preferences to be given?

(Objection made.)

A. I heard democrats say they would prefer employing democrats.

Q. What other means were taken?—A. Thinks he heard that preference in renting lands should also be made to democrats.

Q. Have you heard democratic speakers at public meetings or elsewhere say that they would not employ republicans?—A. He heard it floating around that democrats would not employ republicans.

Q. You said in your examination-in-chief that it was reported as one of the doctrines of the colored leaders that the rights of the colored people would be jeopardized by the democrats getting into power; did you not also hear it reported as said by these leaders that the colored

women would have to take off their veils and the pin-backs of their daughters, &c.?—A. I heard it often so reported.

C. M. HURST.

Sworn and subscribed to after being read over.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

[SEAL.]

E. M. MOISE,
Notary Public.

I. S. MILLS sworn.

Question. How long have you been a resident of this county, and were you here during the last year and election?—Answer. From birth, and was here during the campaign and election.

Q. In what section do you live?—A. In Mayesville.

Q. From the commencement of the campaign until the day of election, what was the condition of your section as to its quietness, peace?—A. Entirely quiet and peaceful.

Q. How were the races living together? Was there any dissatisfaction or disturbance?—A. Peaceful; none.

Q. Any resistance to the process of the law?—A. With the exception of one instance, there was none.

Q. What was that instance?—A. One white man resisted arrest, as it was a difficulty between two white men, both of whose names are on the democratic club, by the town authorities of Mayesville, but were afterwards arrested.

Q. Was it known in your section that troops had been sent to Sumter?—A. It was.

Q. What was the impression in your section as to the number of troops in Sumter?—A. I think it was reported 100, and it was also rumored that three soldiers were to be sent to Mayesville.

Q. Did or did not the presence of the troops in the county influence colored voters?

(Objected to as a matter of opinion or hearsay.)

A. I am satisfied it did.

Q. State how.—A. It emboldened them against their race. One colored man told me that the troops were sent there to make them vote the republican ticket.

(Objected to as hearsay.)

Q. At what poll were you at the day of election?—A. Mayesville.

Q. Do you know who acted as United States supervisor of election that day?—A. I. A. Mills and Clem Wilson. I for the democrats and Wilson for the republicans.

Q. Did said Wilson take an active part in the election?—A. He did; so much so, that I was advised to report the case to the chief supervisor, but never done so.

Q. Did said Wilson assist in distributing the republican ticket, and in what other way did he take an active part?—A. I don't think he supervised the polls three hours during the day; was out of the house a good part of the time; I cannot from my own knowledge state whether he distributed tickets or not.

Cross-examination:

Q. What was the democratic majority at your poll?—A. I think 100.

Q. What time was that poll opened that day?—A. Not sooner than 7 o'clock.

Q. How many colored voters left that poll for not being open in

time?—A. Quite a number left, but does not know whether it was in consequence of that or not.

Q. You say that the presence of United States troops emboldened colored voters; state how.—A. The word emboldened hardly implies what I mean, but the idea was that the troops were sent here to make them vote the republican ticket.

Q. How to make them vote?—A. Cannot answer, except what I heard from republicans.

Q. You say one colored man said so, that troops were brought there to make colored people vote the republican ticket. What is his name?—

A. I don't propose to give that name, because I am under pledge to that colored man.

Q. Did you hear anybody else say so?—A. No.

Redirect:

Q. You stated in the cross-examination that a number of colored people left the polls at Mayesville; state when they left and where they went to.—A. Left about 8 o'clock, and after one hour after the polls were opened.

Q. In what direction did they go?—A. In the direction of Johnston's Store precinct.

Q. Did or did not the majority of the colored people in that section from time to time during that day go in that direction?—A. They did.

Q. What is the proper vote of Mayesville precinct?—A. Something over 300.

Q. What number was polled there that day?—A. I think between 150 and 160.

Mr. I. A. MILLS recalled.

Q. Did the Mayesville club organize upon the principles embraced in the resolutions referred to in Mr. Holman's testimony?—A. They did.

Q. Did they carry out the spirit of these resolutions in all the action taken by the club during the campaign?—A. They did.

Q. Did your club bind themselves to the pledges of preference referred to in Col. J. D. Blanding's testimony?—A. They were not acted upon.

Cross-examination:

Q. Were you not in favor of the preference policy?—A. I was.

Q. Did you not discharge employes just after the election?—A. I did not.

Q. How long after the election?—A. Never did.

Q. Did you discharge any before?—A. Never did.

Q. At January did you refuse to rehire?—A. I did, my contract being then out; in two instances; one was on account of a personal remark, the other because he had abused stock intrusted to him.

Q. Was there a rifle-club in Mayesville or near there?—A. There was one composed of white men.

Q. Did they have arms?—A. Did not have arms as a rifle-club.

Q. Did each member of the club have arms?—A. I was told by a good many that some did not have any.

Q. Did you belong to it?—A. I did.

Q. What did you do in consequence of the proclamation of the President and governor?—A. I think the proclamation was read by General Hampton the day it came out, and we disbanded that night and we never met since.

Redirect :

Q. You are asked as to the arms owned by the rifle-clubs referred to; now was said arms just the shot-guns or other arms which the farmers had for years?—A. They were.

Q. What was the purpose of the organization?—A. Mutual protection, friendly intercourse, and to aid the proper authorities in preserving peace and order.

I. A. MILLS.

Sworn to and subscribed to after being read over.

[SEAL.]

FRANK T. TEICHER,
Notary Public.

[SEAL.]

E. W. MOISE,
Notary Public.

E. H. HOLMAN sworn.

Question. You are, and how long have you been, a resident of this county?—Answer. Ten years.

Q. Were you here during the campaign and on the day of election?—A. I was; at Carter's Crossing precinct.

Q. What was the condition of this county as to peacefulness and quietness?—A. It was peaceful and quiet in my section.

Q. Did you hear of any disturbance of the peace in other sections of the county?—A. I did not.

Q. Was the civil process of law unobstructed—courts open?
(Objected to as a matter of opinion.)

A. I know the civil process of the law was not obstructed; the courts were open regular.

Q. Was there any well-grounded or general apprehension that the public peace of the county could not be maintained by the civil authorities, so far as you know?

(Objected to as a matter of hearsay and opinion.)

A. There was not.

Q. Was or was not the introduction of United States troops into the county threatened before they actually came?—A. It was generally threatened they would be brought here.

Q. Did or did not the presence of United States troops in the county influence colored voters?—A. It did.

Q. If so, how did it affect them?—A. We did not get a single recruit to our clubs after the troops arrived. Men who promised to join previous to their coming here came to me, (objected to as hearsay;) said that they feared joining the club since the troops had arrived in Sumter, but would vote the ticket anyhow, but would have to do so secretly, and did do so secretly.

Q. What democratic club did you belong to?—A. The Swimming Pen Club.

Q. Was that club organized upon the same resolutions and principles as the Sumter Club?—A. It was.

Q. Were the principles upon which your club was organized embraced in the following resolutions, to wit:

“*Resolved*, That we organize ourselves into a democratic club, to be known as ‘The Sumter Democratic Club;’ that in order to do so we enroll our names, and proceed to elect a president, two vice-presidents, a secretary, and a treasurer; that the purposes for which we organize are:

"1st. To put ourselves in accord and communication with the national democracy.

"2d. And, as of the highest importance to us, to secure an honest, fair, and economical administration in our county and State affairs; and to effect this end we pledge ourselves to abide by the action of the party as expressed in State and county convention.

"3d. To maintain the equal civil, political, and religious rights of all citizens, without regard to their color or previous condition.

"4th. That in the reform we seek, looking to the welfare and interest of our entire people, *honesty* and *fitness for office* shall be the first consideration.

"5th. That with this end in view, and upon this broad platform, we invite all of our fellow-citizens to unite with us."

A. They were.

Q. Were the principles contained in above resolutions advocated by all the democratic speakers, as well as by you, in all portions of the county during the campaign, and were they carried out by the democratic party in this county?

(Objected to as hearsay and opinion.)

A. They were.

Q. What proportion of the county democratic ticket was composed of whites and colored men?

(Objected to as being irregular.)

A. Equally divided at first; afterwards, one colored man withdrew, and a white man was nominated in his place.

Q. Do you or do you not know, that it was the great object of the democratic party, and that a great effort was made to give the colored people assurance that their rights and privileges would be equally protected with the whites, and that they should have protection from violence on the part of their own color?—A. I do know it.

Q. In what way was that effort made?—A. It was made by public speakers at public meetings throughout the county; pledges in clubs.

Q. Was there or was there not a wide-spread intimidation over the colored voters in this county, on the part of colored people?—A. There was.

(Objected to as being a matter of opinion.)

A. As a general thing, were not the colored people afraid to vote the democratic ticket?—A. Yes.

Q. Of whom were they afraid, of whites or colored people?—A. They were afraid of their own color, both males and females; and females mostly, as they had more influence.

Q. Give any instances you know of?—A. One colored man, D. J. McDaniel, belonging to our club, but deserted us; he came to me by night, afterwards telling me he was afraid to approach me in day-time, and that the women on the plantation on which he lived told him that if he did not leave the club they would burn him out, and everything he had; that the men, also, on the plantation, would not speak to him, and his church people would not let him preach in church.

(Objected to as being all hearsay.)

This man voted the democratic ticket, but did it in such a way as to make everybody believe that he voted the republican ticket. Another colored man, Gabriel Cook, wished to vote the democratic ticket, and he was so afraid that he took the democratic ticket by wrapping it in the republican ticket, and voted both.

Q. Who acted as United States supervisor for the republicans at

your polls?—A. Mr. T. J. Tuomey acted as such, and was recognized as such.

Q. Was not Mr. T. J. Tuomey a candidate on the republican ticket at said election?—A. He was, and was elected.

Q. Did or did not Mr. Tuomey take an active part with the republicans that day of election?—A. He did, but do not mean to say that he exercised any undue influence.

Q. Has there been any actually registration of voters of the county since the adoption of the constitution?—A. No.

(Objected to as a matter of opinion.)

Q. Was the legislature and government of the State of South Carolina, prior to the election, republican or democratic?—A. Republican.

Q. How in Sumter?—A. Republican also.

Q. Who acted as clerk at your poll?—A. Don't know who, but I know he was sworn; believe one of the managers acted as such; saw him keep the list. Saw H. D. Shaw writing, and he was not a manager. In saying that the clerk was sworn, I have reference to the fact that I saw one of the managers keep a list, and I knew he was sworn.

Cross-examination:

Q. Were you not a nominee on the democratic ticket for member of legislature?—A. I was.

Q. Were there not pledges adopted by your club?—A. No pledges, but resolutions passed pledging the club to protect the colored persons who joined the club, from violence on the part of their own color.

Q. Was it not in effect in this county, that pledges were made to give preference to such colored men as voted the democratic ticket in supplies, labor, etc.—A. None, as far as I know; I think there was but one club in the county that passed such resolutions of preference, and that was the Sumter club.

Q. Was it not the policy of individuals to hold out such inducements?—A. I know some did.

Q. Don't you know of instances of individuals who refused to employ colored men on account of the way they voted?—A. I do not.

Q. Was it not the practice at some places to give to colored men voting the democratic ticket certificates to that effect?—A. In some places I have seen the blanks beautifully gotten up. Saw one signed by Dr. Baker, who was president of a democratic club.

Q. For what purpose were those certificates presented to you?—A. For help; but did not help him.

Q. Did you not say that certain colored men said after troops came they were afraid to join the club? Mention their names.—A. Dick Capers and two or three others. Some would not join the clubs from beginning, but voted the ticket.

Q. Do you know that the coming of the troops prevented him from joining the club?—A. He told me that word had come out from Sumter that the troops had come to Sumter, and were sent to prevent them from voting the democratic ticket. He was going to vote the democratic ticket, but very secretly.

(The answer was objected to as hearsay, and not in answer to the question by D. D. McCall.)

Q. Do you know of any violence committed by colored women or men upon colored democrats?—A. I don't know of any.

Redirect:

Q. Was it known in your section of the country that the troops had come to Sumter?—A. It was.

Q. What report was in circulation as to the number of said troops?—
A. From two companies to two regiments; but I soon ascertained the correct number, but could not make people believe it.

(This answer objected to as not in reply to the question.)

EDWARD H. HOLMAN.

Sworn to and subscribed to after being read over.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

[SEAL.]

E. W. MOISE,
Notary Public.

PETER MELLET sworn.

Question. Where were you the day of election?—Answer. At Privateer.

Q. Are you well acquainted with all that transpired there during that day?—A. I was there nearly all day, up to 3 o'clock. Came to Sumter; returned at 5 o'clock p. m.

Q. Did or not the democratic runners put or force tickets in the hands of colored people, and make them vote the democratic ticket?—A. They did not.

Q. What was the conduct of the republicans in this respect?—A. They would meet them before they got to the polls, supply them with tickets, and see that they voted.

Q. Was or was there not a general intimidation over colored voters in that section?

(Objected to as a matter of opinion.)

A. They were afraid of the republicans, according to my opinion.

Q. Who was captain of the saber club that was organized in Privateer precinct?—A. I was.

Q. Did said club have arms or sabers?—A. None of any kind, that I saw. I was captain. Did not have a pistol, even.

Q. Did they ever meet to drill?—A. Never.

Q. What was the purpose of the organization?—A. From reports current in the county we presumed that the colored people would not be allowed to vote the democratic ticket. We proposed to protect them in exercising their franchise.

Q. When and how came your club to be disbanded?—A. When we saw the governor's proclamation; as soon as practicable to get the company together, about a week after, I, as captain of the company, announced to the company that the organization known as the Privateer Saber Club was disbanded, and never met since.

Q. Were you present and did you hear the oath administered to the voters of Privateer precinct?—A. I was present, and heard it administered to the majority of the voters.

Q. Was or was not the word "poll" in the oath administered on that day?—A. It was not.

Cross-examination by D. D. McCall:

Q. Can you repeat the oath that was used that day?—A. I cannot repeat; am satisfied that the word "poll" was left out.

Q. Was the word "voted" used in the oath?—A. I think it was. I think, after reflecting, that the word "voted" was not used.

Q. You speak of colored people being intimidated by republicans, as a matter of opinion. Do you refer to social ostracism, or what?—A. To both ostracism and violence.

Q. You say you had no pistol as captain of the labor-club; did you

have a gun?—A. After it was disbanded I got a gun a friend loaned to me.

Redirect:

Q. You were asked as to intimidation. State instances.

(Objected to as hearsay.)

A. Albert Claris told me he desired to vote for J. S. Richardson for Congress, but was afraid to do so on account of violence; said that they might burn his barn.

Q. Did he vote at that precinct?—A. He did not then or there vote, but said he was coming to Sumter.

Q. Was he a resident of that precinct?—A. He was.

P. MELLETT.

Sworn to and subscribed to.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

[SEAL.]

E. W. MOISE,
Notary Public.

Mr. ROY ROBINSON:

Question. Were you in this congressional district during the last campaign, and were you an open-mouthed colored democrat?—Answer. I was.

Q. State what you know of threats to colored democrats.—A. I was threatened myself by T. J. Toumey, an office-holder and republican of Sumter, who said to me that if I did not quit being a democrat I would be shot; and further, that if I went with him to Shiloh in his buggy I would not come back, as the buzzards would eat me. When the Yankees came, I was again informed that the troops had come now, and I would be shot if I did not vote the republican ticket. This was also said to me at the camp, with other language not fit to be repeated. The officer there ordered the men away who had been threatening me, and told them that that was no place for such language, as everybody had a right to vote as he pleased. On election-day a mob of colored women and some men threatened me again with violence, and said they will kill me if I dared to vote the democratic ticket. They said I should not pass that way again. I got a horse and rode back, and they threw axes and sticks at me, and one brick grazed my head. That was before I voted. At Florence, a party ran after me with crow-bars, and I was shot at, and holes shot through my hat. I was at Nicholls', on my route, as a democratic speaker, at 10 a. m., and staid there but a short time. When I got on the train again, two men, also colored, got on also, and at Mullin's I got off and walked on the platform, when two men afore-said also got off, and made threats at me. They said that if it was night-time they would kill me; cursed me for being a democrat; they drew pistols.

Q. Did anybody hurt you since the election?—A. Since the election I was waylaid, beaten, and robbed for being a democrat. This was done by a crowd of colored men.

Cross-examination by Mr. McCall:

Q. Your age?—A. Twenty-four.

Q. Who did you vote for in 1874?—A. Mr. Green.

Q. Who did you vote for in 1872?—A. Mr. Moses.

Q. Who did you vote for in 1870?—A. Nobody; never left the yard.

Q. Where did you live last year?—A. Seven miles from Sumter.

Q. Where did you come from when you were at Nicholls'?—A. From Wilmington.

Q. What were you doing at Wilmington?—A. Working on the road.

Q. When did you get into the campaign?—A. Shortly after Mr. Hampton begun.

Q. In what part of the State did you go?—A. All along the W. C. and A. R. R. line.

Q. Were you informed by the Yankee officer that you could vote as you pleased, and did you not do so?—A. I did.

Q. Were you paid to vote the democratic ticket?—A. I was not.

Q. Has Colonel Blanding paid you all that he promised to pay you for voting the democratic ticket?—A. He did not pay me anything.

Q. Name some of the persons who used violence to you.—A. Frierson, and my half brother, and the wife of Jack Walker; the others I did not know.

Q. When you voted for Moses in 1872, was an oath given you to take?—A. I don't remember.

Q. You state that you threatened by Mr. Toumey?—A. It was during canvass, soon after the canvass opened, in front of Mr. Solomon's.

Q. Who was present?—A. A large crowd; I don't remember who they were.

Q. Do you not remember that the threats made by Mr. Toumey were made in fun, and only a week ago?—A. They were made twice; once as stated in my direct examination, and the second time about a week ago.

Q. Can you name any of the party who attacked you at Florence?—A. I cannot; they were from the country, and it was at night.

Q. Can you name the men who attacked you at Mullin's?—A. No; they were strangers to me.

In reply :

Q. You were asked the question, Has Colonel Blanding paid you all he promised for voting the democratic ticket? Now I ask, has Colonel Blanding ever promised to pay you anything for voting such ticket, and has he ever paid you anything?—A. He neither promised nor paid me anything. I will be twenty-five years old on 1st March.

Q. Were you twenty-one years of age when you voted for Moses?—A. I don't know when I was born. I was informed by my relatives that I was of age.

ROY ^{his} × ROBINSON.
mark.

Sworn to and subscribed before me this 20th February, A. D. 1877, after being read over to him.

[SEAL.]

E. W. MOISE,
Notary Public.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

ADAM YOUNG (colored) sworn :

Question. Were you in Sumter County during the last campaign, and the day of election?—Answer. I was.

Q. Were you a member of the democratic club; if so, when did you join?—A. I was, and joined among the first.

Q. Were any threats made against you for being a democrat? If so, state them.—A. I heard a great deal about whipping democrats, and burning their property; did not whip me, still I felt afraid; and the day of the meeting at Providence, some said to him, if he would speak there

for the democrats they would whip me; they said that perhaps they might burn me out, as they had done to other people in the county. The night before the election, one republican came to my house, and said if I voted the democratic ticket next day, I would go down from that day on.

Cross-examination by J. W. Smith, attorney for J. H. R.:

Q. State whether persons themselves would burn you out, or whether others would do it?—A. They said, perhaps others might burn me out, as they had done to others in the county; the same refers as to whipping.

Q. Did you speak at Providence, and did you get whipped as threatened?—A. I spoke there, and was not whipped or burned out.

Q. Can you give me the names of democratic colored people that were burned out or whipped in Sumter County?—A. I cannot.

Q. Were you prevented from voting as you pleased?—A. I voted as I pleased.

Q. Can you name any democrat, white or colored, who was prevented by intimidation from voting the democratic ticket?—A. I cannot.

Redirect:

Q. State whether you know, or not, that numbers of colored people were intimidated from voting the democratic ticket?

(Objected to as hearsay and matter of opinion.)

A. They said that troops were brought here to make them vote the republican ticket.

ADAM YOUNG.

Sworn and subscribed to after being read over.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

[SEAL.]

E. W. MOISE,
Notary Public.

ALBERT HOWELL, colored, sworn.

Question. Are you a resident of the county, and were you here during the campaign and election?—Answer. I am; was here during the campaign and the day of election.

Q. Are you a member of the democratic club of Sumter?—A. I was, and voted the democratic ticket.

Q. Were any threats made against you and your sons for voting the democratic ticket?—A. None against me, but against one of my sons.

Q. On the day of election, did or did not a crowd of colored women threaten you?—A. Did not threaten me, but pulled him about and laughed at me.

Cross-examination by J. W. Smith:

Q. How do you know your son was threatened?—A. Did not hear the threats myself, but my son said so.

Redirect:

Q. Did you see the bruises or marks on your son?—A. I did not.

ALBERT ^{his} + HOWELL.
mark.

Sworn and subscribed after being read over.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

[SEAL.]

E. W. MOISE,
Notary Public.

W. R. DELGAR sworn.

Question. Were you in the county during the last campaign?—Answer. I was.

Q. Of what club were you a member?—A. Sumter Township Democratic Club.

Q. State the principles upon which the club was organized, and whether said principles were carried out during the campaign.

(Witness referred to resolution in testimony of E. W. Holman.)

A. The club was organized upon resolutions referred to, and the spirit of the resolutions carried out during the campaign as far as I know, the same having been offered by J. S. Richardson, contestant, to the club.

Q. In this county how many white and colored persons were nominated?—A. Six whites, six colored.

Q. Was there at any time preceding the election any threatened invasion by, or actual presence of, the public enemy? Was the county in peace and quiet or not?—A. There was no threatened invasion; everything was peaceful and quiet.

Q. Was there any resistance whatever to civil process; were the courts open and in full operation?—A. No resistance; courts open and in full operation.

Q. Was there any threatened or actual disturbance of the public peace at any of the polls in the county?—A. None so far as I know or have heard of.

Q. Were troops, United States, sent here?—A. There was.

Q. What effect upon the vote of colored voters did the introduction of United States troops have? Did or did not their presence in the county influence colored voters; and, if so, how influenced them?—A. They influenced them to vote the republican ticket.

(Objected to as a matter of opinion.)

Q. Does it not come within your own knowledge that numbers of colored voters, just before the introduction of troops, stated that they intended to vote the democratic ticket, who after the introduction of the troops did not so vote?—A. It does come within my knowledge.

Q. What are the number of colored democrats belonging to your club?—A. 167.

Q. Did that number vote the democratic ticket?—A. I know they did not.

Q. Was there or was there not a widespread intimidation of colored voters in this county?—A. I am satisfied there was.

(Objected to as a matter of opinion.)

Q. From what you heard them say, and from their conduct, were they not actually afraid to vote the democratic ticket?

(Objected to as a matter of opinion.)

A. They were, and several told me so.

Cross-examination by J. W. Smith:

Q. You state colored men had promised to vote the democratic ticket before the arrival of troops, and afterward did not do so; is that your reason for supposing the presence of troops influenced colored voters?—A. It is.

Q. How did the presence of troops cause that impression?—A. A great many said that the troops were sent here to make them vote the republican ticket.

Q. How do you reconcile your statement that there was no threatened or actual disturbance of the public peace at any of the polls in the county,

and that the county was quiet and peaceful, with your further statement that there was a widespread intimidation in the county?—A. There was no actual outbreak at any of the polls; they were intimidated by politicians.

Q. How were they intimidated?—A. By the incendiary speeches made to them.

Q. What was the nature of the speeches?—A. I heard some of them, stating that if they voted the democratic ticket they would be put back into slavery again.

Q. Can you mention anything else?—A. That the right of suffrage would be taken from them. I know nothing of my own knowledge, but I heard plenty rumors.

Q. Did you hear of any one besides democrats being intimidated?—A. I did not hear of any one besides democrats.

Q. You stated you belong to a democratic club; did your club pass any other resolutions besides the ones passed in the testimony?—A. As to the principles and government of the club; none other.

Q. Were any pledges adopted by your club as regards the preference?—A. There were not.

Q. Was it not the policy of individuals to hold out inducements to colored men to vote the democratic ticket?—A. There was, by giving preference to the ones who voted the democratic ticket.

Q. At what polls were troops stationed during the last election?—A. Only here, that I know of.

Q. Can you tell me how many votes were cast in this precinct?—A. Over 1,100.

Q. State how many whites or how many colored.—A. I cannot state.

Q. Can you state whether any colored men at this precinct voted the democratic ticket, and how many?—A. I suppose 100.

Q. In comparison with other precincts in the county, did more colored men vote the democratic ticket here?—A. At some places more voted the democratic ticket, at other places less.

Q. Mention some of the precincts.—A. Swimming Pens.

Q. Mention one or more places where it was less.—A. Statesburg, Rafting Creek, Privateer.

Q. Were you familiar with the management of the campaign in this county on the part of the democrats?—A. I was.

Q. Was or was not it a habit to attend republican meetings?—A. Those were held in town come under my observation; some attended outside of town; I do not know.

Q. Did they ask for a division of time?—A. In one instance, and that I only heard of.

Redirect:

Q. Where was a division of time asked of the republicans and refused?—A. At Salter's, and it was refused.

WM. R. DELGAR.

Sworn to and subscribed to after being read over.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

[SEAL.]

E. W. MOISE,
Notary Public.

E. C. GREEN, jr., sworn:

Question. Were you in the county during the last campaign?—Answer. I was.

Q. Were you not a member of the executive committee of the county

in the democratic party, and well acquainted with all its transactions?—

A. I was.

Q. Was the county during the whole campaign quiet and the public peace undisturbed?—A. It was.

Q. Were United States troops stationed at Sumter?—A. A few days before the election they were brought here.

Q. Did or did not their presence in the county influence colored voters?—A. It did.

Q. Was it or was it not a fact that the introduction of United States troops was threatened before they came here?

(Objected to as hearsay.)

A. They threatened to be brought here.

Q. How did the presence of the troops influence colored voters?—A. A large number of colored people were led to believe that the troops were brought here to see that they voted the republican ticket. They took up the idea that they were sent here to represent the republican party.

(Objected to as a matter of opinion.)

Q. Was or was there not a widespread intimidation of colored voters by their own color?

(Objected to as hearsay.)

A. There was. I was all over the county for two months, and came in daily contact with colored people, and got that information from what they told me.

Q. What was the nature of the intimidation?—A. General threats were made to turn them out of church, refuse to speak to them, and put them back into slavery.

(Objected to as a matter of hearsay.)

Q. Were there any threats of personal violence?—A. Yes; threatened to whip them and beat them. It was so told me. Did not hear the threats made myself, but were reported to me by colored people.

Q. Were or were not the colored people afraid to vote the democratic ticket?—A. Certainly they were.

(Objected to as a matter of opinion.)

A great many stated they would vote the ticket if they could vote so without being found out by their societies to which they belonged. A great many colored people suggested if they could have tickets just like the republican tickets, in color and in other respects, that they would vote such democratic tickets.

Q. Were democratic tickets furnished accordingly of a similar color to the republican tickets?—A. They were, and exactly like them, except the names on the tickets. We distributed 1,500 such tickets in the county.

Here the witness was shown three tickets, which he identified as the regular republican ticket, the regular democratic ticket, and the democratic ticket of a similar color to the republican ticket. Tickets offered in evidence, as follows:

Union republican ticket.

For President.—Samuel J. Tilden.

For Vice-President.—Thomas A. Hendricks.

For presidential electors.—At large: Theo. G. Barker, Samuel McGowan. First district: John W. Harrington. Second district: John Isaac Ingram. Third district: William Wallace. Fourth district: John B. Erwin. Fifth district: Robert Aldrich.

For governor.—Wade Hampton.

For lieutenant-governor.—W. D. Simpson.
For secretary of state.—R. M. Sims.
For comptroller-general.—Johnson Hagood.
For State treasurer.—S. L. Leaphart.
For attorney general.—James Conner.
For State superintendent of education.—H. S. Thompson.
For adjutant and inspector general.—E. W. Moise.
For Forty-fifth Congress.—First district: J. S. Richardson.
For solicitor.—Third circuit: J. J. Dargan.
For house of representatives.—Edward H. Holman, James M. Epper-
 son, W. Pinckney Davis, Junius A. Mayes.
For sheriff.—Josiah M. Wilder.

Union republican ticket.

For President.—Rutherford B. Hayes.
For Vice-President.—William A. Wheeler.
For presidential electors.—At large: Christopher C. Bowen, John Win-
 smith. First district: Thomas B. Johnston. Second district: Timothy
 Hurley. Third district: William B. Nash. Fourth district: Wilson
 Cook. Fifth district: William F. Myers.
For governor.—Daniel H. Chamberlain.
For lieutenant-governor.—Richard H. Gleaves.
For secretary of state.—Henry E. Hayne.
For comptroller-general.—Thomas C. Dunn.
For State treasurer.—Francis L. Cardozo.
For attorney-general.—Robert B. Elliott.
For State superintendent of education.—John R. Tolbert.
For adjutant and inspector general.—James Kennedy.
For Forty-fifth Congress.—First district: Joseph H. Rainey.
For solicitor.—Third circuit: Melvin J. Hirsch.
For house of representatives.—Thomas B. Johnston, John H. Ferriter,
 William J. Andrews, John H. Westberry.
For sheriff.—John M. Tindall.
For clerk of court.—George W. Reardon.
For judge of probate.—Samuel Lee.
For school commissioner.—Timothy J. Tuomey.
For county commissioners.—Thomas J. Coghlan, Zachariah Walker,
 Rufus C. Westberry.
For coroner.—John H. Legare.
Constitutional amendment.—Yes.

Sumter County.

For governor.—Wade Hampton.
Lieutenant-governor.—W. D. Simpson.
Secretary of state.—R. M. Sims.
Comptroller-general.—Johnson Hagood.
State treasurer.—S. L. Leaphart.
Attorney-general.—James Conner.
Superintendent of education.—H. S. Thompson.
Adjutant and inspector general.—E. W. Moise.

Congress.—First district: J. S. Richardson.

Solicitor.—Third circuit: J. J. Dargan.

Representatives.—Edward H. Holman, James M. Epperson, W. Pinckney Davis, Junius A. Mayes.

Sheriff.—Josiah M. Wilder.

Clerk of court.—Lucius P. Loring.

Probate judge.—Charles M. Hurst.

School commissioner.—Julius T. Edwards.

Coroner.—Robert Ross.

County commissioners.—Thomas B. Fraser, William Gregg, Primus Butler.

Constitutional amendment.—Yes.

For presidential electors.—At large: Theo. G. Barker, Samuel McGowan. First district: Jno. W. Harrington. Second district: John Isaac Ingram. Third district: William Wallace. Fourth district: John B. Erwin. Fifth district: Robert Aldrich.

Q. Were the red democratic tickets put out for the purpose of cheating the voters, or for what purpose?—A. For the purpose of enabling the colored democratic voter to vote the ticket without being found out by his societies.

(Objected to as a matter of opinion.)

Q. Was or was not this the purpose discussed and finally settled upon by the executive committee of the county?—A. It was.

Q. How many rifle-clubs or saber-clubs were formed in the county?—A. We know of but one in Sumter; there might have been one at Mayesville.

Q. What was the object of the rifle-clubs?—A. Don't know. The Sumter rifle-club was organized three or four years ago.

Q. Did the Sumter club disband after the proclamation?—A. I think it did.

Cross-examination :

Q. What was the cause of the threatening that troops were to be brought here?—A. To get the colored people to vote the republican ticket.

Q. It was republicans, then, that caused the troops to be brought here?—A. The republicans did.

Q. Did the democrats desire the presence of troops here?—A. Never heard of it.

Q. How did the democrats receive the troops?—A. As they always did, with kindness, welcome.

Q. How did the colored people receive them?—A. They seemed to be very glad they had come; the leaders especially.

Q. Were you engaged for the democratic party in canvassing the county?—A. I was out of business at the time, volunteered my services, and was engaged in the campaign for two months.

Q. How much, if any, were you paid for your services?—A. Nothing at all.

Q. Can you name any colored men threatened with violence?—A. If I had my book here I could furnish several names of men that told me.

Q. Can you name any one that actually suffered violence for voting the democratic ticket?—A. No one. I do not know of any since the election.

Q. Do you know of any one suffered during the campaign?—A. Don't know of any to my knowledge, only heard what people told me.

Q. Can you name any one now from hearsay ?—A. Not now ; I think I can furnish a list, as I kept a record during the campaign.

Q. Did not colored people canvass the county for the democrats without being interfered with ?—A. They did.

Q. Did I understand you to say the bogus republican ticket was only used for the purpose of enabling colored men to vote the democratic ticket without risk of personal violence ?—A. Yes.

Q. When folded, could the names on the ticket be read, or could it only be seen what kind of ink was used ?—A. I never tested it.

Q. Was it necessary to head this ticket " Union Republican Ticket," in order to protect these colored voters ?—A. This was my impression.

Q. To the best of your knowledge was this ticket intended to be used to protect colored democrats, and was it only so used ?—A. It was.

Q. Was not a saber-club organized during the last campaign, and for what purpose, in this town ?—A. Do not know of one.

Q. Was no intimidation practiced by the democratic party ?—A. None that I know of ; tried to treat people kindly.

Q. Did the preference policy prevail here ?—A. It was not carried out here ; heard some talk about it.

Redirect :

Q. You were asked something about a bogus republican ticket ; do you mean to say by your answer that there existed such a ticket ?—A. I did not.

Q. You were asked this question : " Did not colored men canvass this county for the democratic party without being interfered with ; were not some of them threatened and beaten ?"—A. I did not hear of any.

Q. Was it, or was it not, apparent, before the troops were threatened to be brought, that many colored men joined the democrats and many others promised to join ?—A. It was.

(Objected to as a matter of opinion.)

Q. Is it a matter of opinion or do you know it as a fact ?—A. I know it as a fact.

Capt. E. C. Green recalled :

Question. Was there or was there not a census taken of every colored and white voter in the county by the democratic party at the opening of the campaign ?—Answer. There was.

Q. Was it taken with great care and particularity ?—A. It was.

(Objected to as a matter of opinion and hearsay.)

I was chairman of the committee that took it, and it was taken with great care and particularity.

Q. Have you since the election compared the number of colored votes returned at the recent election with the number of colored voters contained in this census ?—A. I have.

Q. How many more colored votes were given in the recent election in this county than there were voters as shown by the census ?—A. About 600.

Cross-examination :

Q. What is the difference, if any, between the white voters in the census above referred to and the number of white votes actually cast at the last election ?—A. As near as my recollection, 30 white votes less than there was on our list.

Q. About how many white and colored voters were in this county,

according to your list?—A. About 2,000 white and 4,000 colored; cannot give the exact figures.

Q. About how many white and colored votes were actually cast?—A. Cannot say how many white or colored votes were cast, unless you let me get the paper.

E. C. GREEN, JR.

Sworn and subscribed to after being read over.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

[SEAL.]

E. W. MOISE,
Notary Public.

J. M. EPPERSON sworn :

Question. Where did you reside on 7th of November last?—Answer. In the town of Sumter, South Carolina.

Q. Where were you on that day?—A. At Statesburg, most of the day.

Q. Do you know anything as to the intimidation by republicans?—A. I know the case of Isaac Robinson; he told me.

Q. What did he tell you?

(Objection made as hearsay.)

A. He told me that they set his fence on fire near his barn, a couple of panels off; he put it out. They told him after he became a member of the club, democratic, that they intended to whip him. He told me one day that he would have to take his name off the democratic roll, as he feared they would do him some private injury. I told him we would protect him to the best of our power.

Q. Do you know if he voted the democratic ticket?

(Objected to as above.)

A. He told me that he refrained from voting.

Q. Were the people of this vicinity in insurrection before the United States troops came; was there any resistance to legal process?—A. There was no sign of trouble; I saw no sort of resistance to legal process.

Q. What was the effect of the coming of United States troops?

(Objected to as above.)

A. After the troops came, the colored members of the democratic club here ceased to attend meetings; they had been in the habit of attending before; this refers to a majority of the colored members of the club.

Q. Now, Mr. Epperson, do you know, of your own knowledge, that any colored persons who had promised to vote the democratic ticket failed to do so after the troops came?—A. I know of one in particular, who voted the republican ticket, and who had promised me to vote the democratic ticket. I kept my eye on him. He was in my employ.

Q. How were the colored democratic members of the club treated by the colored republicans?—A. I heard a great number of them abused and vilified for joining the democratic club by colored republicans; and some took their names off because, they told me, (objected to as hearsay,) that they were notified that they would be turned out of the church (colored republican) if they did not do so.

Q. Do you know if red tickets were used at Statesburg by democrats?—A. I saw some there, but don't know if they were put into the box or not.

Q. At what hour was the polls open?—A. I was there about daylight; they had to use a lamp to see when it was opened.

Q. Do you know of any acts of intimidation?—A. I know Belevere Devaut and John Fraser, whose wives left them; they told me that it was because they joined the democrats.

(Objected to as above.)

Q. How far were the troops from the polls?—A. They were about 150 yards east of the depot, a half-mile or less from the polls.

Cross-examined:

Q. What was the feeling of the colored people when they saw the troops come?—A. The republicans were glad, and democrats sorry.

Q. Upon what ground, if any, do you suppose that the presence of the troops had influence upon the colored voters?—A. I suppose it was because they believed that the troops would protect them in case of riot; I mean the colored republicans.

Q. Was it the general opinion in this community that only republicans would be protected by the troops in case of riot?—A. It was with the most of the colored democrats, that that was what they were here for.

Q. Did you believe so?—A. I believe they came more for that purpose than anything else.

Q. How did the democrats receive the troops?—A. Very politely; they were welcomed.

Q. Did you advocate the preference policy?—A. I don't remember.

Q. Did you think well of that policy?—A. I did think it right to give them the preference.

Q. Were any white men cursed by democrats for being republicans?—A. I did not hear.

In reply:

Q. What did you do in reference to the preference policy; did you adopt it yourself?—A. I did. I discharged a colored democrat before the election, and kept a republican colored man, who voted the republican ticket.

J. M. EPPERSON.

Subscribed and sworn to before me this 21st February, 1877.

[L. S.]

E. W. MOISE,
Notary Public.

[L. S.]

FRANK F. TEICHER,
Notary Public.

CHARLES WILLIAMS sworn.

Question. Where were you on election-day, 7th November last?—Answer. In Sumter County.

Q. What party did you belong to?—A. Democratic.

Q. Were threats made against you if you should join that party? If so, what threats and by whom?—A. My wife told me that if I vote with the democratic party she would not live with me no longer—have no further use for me.

Q. Did she or not separate from you for that reason?—A. We had separated before, and I had gone back to see if we could not stick together; that was two years before. After she spoke what she did, that made the difficulty.

Q. Did she separate from you because you joined the democratic party?—A. She did.

(Objected to as opinion.)

Q. Did you vote the democratic ticket?—A. I did.

Q. Are you and your wife still separated?—A. We are.

CHARLES ^{his} + WILLIAMS.
mark.

Sworn to before me this 21st February, A. D. 1877.

[L. S.]

E. W. MOISE,

Notary Public.

[SEAL.]

FRANK F. TEICHER,

Notary.

J. M. PLOWDER sworn.

Question. Where did you reside during the last election?—Answer. Concord Township, Sumter County.

Q. Do you know to your own knowledge whether any illegal votes were cast for J. H. Rainey?—A. I know it for a fact.

Q. How many do you know were illegal?—A. Know of four.

Q. Upon what grounds were they illegal?—A. Three had not been residents of the county for more than 30 days—Andy Jones, Brutus Benbow, Simon Haywood.

(Objected to as hearsay and matter of opinion.)

Q. Are there any other voters who voted illegally?—A. There is a boy calling himself John Green *alias* John Wilson; stated that he was a minor 18 years old.

(Objected to as hearsay.)

Q. What was the general report among the colored people in Concord Township as to the object of the troops being brought here?

(Objected to as a matter of opinion.)

A. My business brought me in contact with a good many colored people, and they stated that the troops came in the interest of the radical party; I heard it stated so.

Q. What was the effect?—A. A great many strong supporters of the democrat party went back to the radical party after the troops had come.

Q. How long after the troops came?—A. Immediately after the troops had come.

(Objected to as hearsay.)

Q. Do you know to your own knowledge any instances of intimidation on the part of colored democrats by colored republicans?

(Objected to.)

A. I don't know to my own knowledge—heard so. Abram Plowder, a former slave of mine, told me he intended voting the democratic ticket, but begged me not to let it be known; that his neighbors, the radical niggers, would burn him out in less than a week; also, a man with name of William Sanders said that he would vote it, but that his life would be in danger.

Cross-examination:

Q. In matters other than political did colored men always do as they promised?—A. I never have known either class of men that would invariably keep their words.

Q. Did I not understand you to say that this falling off from the democratic club on the part of colored men commenced about two weeks before the election?—A. My memory was indefinite as to the time the troops came.

Q. Did not colored men vote the democratic ticket openly, without being then and there molested, at your precinct?—A. They did.

Q. To your knowledge, have any since been molested?—A. Don't recollect of an instance.

Q. Do you know of any by name that has been molested in the county since for voting, &c.?—A. To my knowledge, I do not.

Q. Is it not a fact that colored men canvassed this county on behalf of the democratic party without being molested?—A. They canvassed a certain conservative portion of Concord Township without interference. I was confined to Concord Township; do not know of anything outside the township.

Redirect:

Q. What was the character of the colored people that did go back on their promises as to voting the democratic ticket?—A. Most trusty colored men we worked.

Q. Were the troops not threatened before they actually came?—A. Rumors were in circulation some time before the troops came.

(Objected to.)

Q. Was it not necessary for the whites to promise protection to the colored men that voted the democratic ticket?—A. It was necessary.

Q. What was the character of that portion of the township where colored democrats did go unmolested?—A. It was a better class of colored men in that portion of the township.

Q. Were or were there not more white residents in that portion of the township?—A. There were.

Q. Were there any democrats that had to be guarded from their homes to the polls in Concord Township, and why so?—A. They stated to parties to whom they applied for protection that they were afraid of violence from radical niggers.

(Objected to as hearsay, or matter of opinion.)

Cross-examination as to new matter:

Q. Do you know of any white man in your township who was prevented by republicans from voting the democratic ticket?

(Objection, as not being in reply.)

A. No.

J. M. PLOWDER.

Sworn to and subscribed to after being read over.

[SEAL.]

FRANK F. TEICHER,

Notary Public.

[L. S.]

E. W. MOISE,

Notary Public.

Mr. M. H. McLAWRIN sworn.

Question. Where were you November 7 last?—Answer. At Wedgefield voting-precinct, in Sumter County, South Carolina.

Q. What did you do there?—A. I served as clerk at that poll.

Q. Were you sworn as clerk?—A. An oath was administered to me, but it was the usual oath given to applicants to vote; it simply stated that I was a resident and had not voted at any other place; it had no reference to the duty of clerk.

Q. What was the mode of counting the vote of Wedgefield poll?—A. The number of votes were first ascertained to see if they would tally with the poll-list; then a list of the candidates was made; then a vote assigned to each candidate when the ticket so indicated. The tickets

were read out by one of the managers, and I assigned, as clerk, to each candidate the vote as read out. I was also assisted by another party, who also assisted to count. I made out the duplicates that night and turned them over to the managers.

Q. Were there any arms at the polls; and, if so, under whose control?—A. There were arms there and under the control of colored people.

Q. Of what political party were those who had these arms?—A. Republican party.

Q. Were any guns fired off that day?—A. As I was leaving the poll guns were fired off.

Q. Do you know any prominent republican who had his gun at that poll?—A. I know one, who told me that he had his gun there and was instructed to carry it.

(Objected to as hearsay.)

Cross-examined :

Q. You say there were arms there; did you see them?—A. I did not.

Q. Do you know who fired those guns?—A. I do not.

In reply :

Q. What reason did you have for believing that there were guns at the polls and in the hands of republicans?—A. When I left the poll there were only republicans there, and I heard the firing of the guns. I don't include the democratic manager.

Q. How many guns were fired at that place?—A. About twenty that I heard.

M. H. McLAURIN.

Sworn to and subscribed before me this 21st February, A. D. 1877.

[SEAL.]

FRANK F. TEICHER,

Notary Public.

[SEAL.]

E. W. MOISE,

Notary Public.

W. R. FLUD sworn :

Question. Where did you reside on 7th October last and before that time?—Answer. At Wedgefield.

Q. What was the general impression in your neighborhood as to the purpose for which United States troops came into the county?—It was for the purpose of making colored republicans stick to their party or opinion.

(Objected to as hearsay.)

W. R. FLUD.

Sworn to and subscribed before me this 21st February, 1877.

[SEAL.]

E. W. MOISE,

Notary Public.

[SEAL.]

FRANK F. TEICHER,

Notary Public.

Dr. E. J. REMBERT sworn :

Question. Where were you the day of election?—Answer. At Rafting Creek precinct.

Q. Were you there all day?—A. I was.

Q. Was there anything particular about the box used in that precinct?—A. It had two openings in place of one, and larger than allowed by law.

Q. Did the board of managers continue their sittings from the time of

opening the polls until its adjournment without interruption?—A. They did not; they were absent three-quarters of an hour.

Q. During the three-quarter hour referred to, did or did not all the managers, the supervisors, and the clerk leave the polls?—A. I think not at once; at different times they did.

Q. Can you state any one of the officers who remained there, that staid to guard the box during that time?—A. I cannot name one who staid.

Q. Were any arms exhibited at the polls that day; if so, by whom?—A. Two instances or more, immediately at the ballot-box.

Q. State them.—A. They made a strong impression upon me. There was one colored man while voting, with a pistol strapped around his body, and which had worked out of pocket, and the arms could be seen. The other instance was that they got out and in a window, and while getting out of the window his pistol pointed at me—not intentionally.

Q. Were there any companies of armed men there?—A. There was a company of about 20 or 30 of republicans from the river-side, marching in column, with muskets on their shoulders, who marched within 150 yards and stacked their arms in sight of the polls, and immediately went up and deposited their ballots.

Q. Do you or do you not know that the presence of these armed men referred to alarmed and terrified people?—A. O, yes; it did.

(Objected to.)

About one hour afterward Mr. Sanders came to me to visit his wife; they reside about three-quarters of a mile from the ballot-box, and within 100 yards of the public road upon which this column passed. I found her in bed, in a high state of nervous excitement, and threatened with miscarriage, which I attributed entirely to the presence of the armed men she saw passing by; found also Mrs. Jennings there, in a state of great excitement and alarm. They both put sundry questions to me in regard to a collision at the ballot-box, and expressed great apprehension about the safety of their husbands, who were at the polls.

Q. Was there any armed body of men at said precinct during that day?—A. There was another company from the opposite direction; they marched under a commander, with flag, fife, and drum; all colored, and republicans; they drove in a wagon loaded with guns; were very much mixed up; they pressed in the house in a body and voted.

Q. Were they boisterous?—A. They were; in fact, were an uncontrolled mob.

Q. Do you know of any illegal votes cast at your poll?—A. Know of three cases.

Q. Who acted as clerk there?—A. Marion Sanders and W. E. Jennings both acted as clerk.

Q. Who swore the voters that day?—A. Marion Sanders swore the majority that day.

Q. Was Marion Sanders a manager?—A. He was not.

Q. How were the ballots counted in your precinct?—A. By heads of the two candidates.

Q. Were the names of all the candidates read out, or not?—A. They were not.

Q. What was the number of votes cast at the box?—A. About 375 votes.

Q. Was the counting done at night?—A. The whole of it was done at night.

Q. Describe the method of the counting.—A. S. Skinner took them out, handed them to another party, who read off the name for President

and governor, and the ticket was scored for every man that was nominated on the republican ticket, and so on the democratic ticket.

Q. Were the votes actually received by Joseph H. Rainey and J. S. Richardson read off, and from such reading counted?—A. They were not.

Q. Were there, or were there not, strips with J. S. Richardson printed in red ink, in size and other respects similar to the printed names on the republican ticket, distributed in that neighborhood for the purpose of being pasted over J. H. Rainey's name?—A. They were, a good many.

Q. If you know of any instances of intimidation, state them.—A. A colored man on my place who, upon solicitation, proclaimed himself a democrat. At the polls I asked him what ticket he was going to vote; had a ticket in his hand, which was a republican ticket. After the election I asked him what caused him to change his mind; he stated that they threatened to kill him if he voted the democratic ticket. I tried to get him to testify to that effect, but he stated that he was absolutely afraid to do so.

(Objected to, so much of it as is hearsay.)

At the time of election there was an advertisement posted on a public place, near a colored man's house near the road. I saw the paper. It was to this effect: that there was a band of brothers formed, sworn to whip every colored man who voted the democratic ticket, four in hand, and after whipping them four in hand, they would crop his ears.

Q. Did that notice keep any one from voting the democratic ticket?—A. It did.

Q. Was there in that precinct, or not, a general intimidation of the colored people by those of their own color?—A. I done a great deal of practice among the people, had opportunities of knowing, and I know there was a great deal of intimidation.

Cross-examination:

Q. How did the number of votes found in the box compare with the number of names on the poll-list?—A. I don't think any discrepancy existed, and heard of no reports to that effect. I left before the votes were aggregated.

Q. About what was the length and breadth of the holes in that box? State so by inches.—A. Could not exactly state; they were wider than long; thought they were rather large; cannot state size precisely.

Q. Were the alleged irregularities of a character in any degree to affect or invalidate the election?—A. I thought so. I don't think they were legal; read the law.

Q. Was anybody prevented from voting because the boxes were not open in the proper time?—A. It is my opinion they were not.

Q. You speak of a colored man having a pistol strapped around him. Was the exhibition accidental or designed?—A. My impression was it was an accidental display.

Q. Name some one who was prevented by intimidation from voting the democratic ticket.—A. Andrew Smith, colored, has told me so repeatedly.

Q. Name some one who was forced to vote the republican ticket.—A. Andrew Smith was.

Q. Were the democrats armed in that precinct at the day of election?—A. I presume that some were armed; did not see any myself.

Q. Was this pressing forward to the polling-place accompanied with any violence?—A. No violence, but great disorder and confusion.

Q. Did any colored men vote the democratic ticket then without being molested?—A. A few did, but I thought that it was done through

durance, in order to avoid the great question of intimidation, and I believe it was so understood.

Q. Did you see the votes counted?—A. I did.

Q. Was there a fair count in the mode as stated?—A. I think there was.

Q. In regard to the advertisement mentioned in the direct examination, did I understand you to say that you know, to your knowledge, that it was posted in a public place?—A. When I got it it was torn; the corners torn off.

Q. Was there a rifle-club in your neighborhood?—A. There was one formed four or five miles from my residence—formed in September or October, 1876.

Redirect:

Q. Were you a member of the rifle-club spoken of?—A. I was not.

Q. To your own knowledge do you know when it was formed?—A. I do not; but I think it was about the time stated.

Q. Do you know whether the club was disbanded after the governor's proclamation?—A. It was done promptly.

Q. How many meetings did it ever have?—A. Cannot tell you exactly; don't think over two or three.

Q. Did they have any arms as a club?—A. Don't think they had.

Q. You have stated that there were two openings in the ballot-box; how many tickets at a time could have been inserted?—A. At least four, and I saw two inserted at one time.

Q. Was there anything peculiar where the republican tickets were kept on the day of election?—A. A great many were kept on top of the ballot-box.

Q. How near to the opening of the box?—A. They were kept over the hole of the box, and slipped aside to allow votes to go in.

Q. Did the United States marshal take any active part in the election that day?—A. I don't think he did.

Q. Did you, or did you not, complain to him about the armed bodies of men appearing there that day? If so, what did he do and say?

(Objected to as hearsay.)

A. I did complain to him; he immediately retired; after awhile returned and reported that they were out on a squirrel-hunt.

Q. In reference to the advertisement referred to in your previous testimony, did you, or did you not, send for it and get the paper into your hand, and by whom?—A. I did, and by T. D. McLeod.

E. J. REMBEST.

Sworn to and subscribed to before us this 22d February, 1877.

[SEAL.]

FRANK F. TEICHER,

Notary Public.

[L. S.]

E. W. MOISE,

Notary Public.

Maj. JOHN W. DARGAN sworn.

Question. Where were you the 7th of November last, election-day?—
Answer. In the town of Sumter.

Q. Do you know of any acts of intimidation by republicans against democrats?—A. I know of one instance, of an old man whose family work on my place. I was promised by him that he would either vote with me or not vote at all; others had done the same; I recollect the old man particularly, as I had his family on my place employed as laborers. On the morning of the election this old colored man came up between two

colored men, and I called him out. He admitted his promise, but said he could not help it; that those men told him he was bound to vote the republican ticket. The two men followed him up to the poll, and put the ticket in his hands, and he voted it.

(Objected to as hearsay or opinion.)

Another instance is that of an old colored man, named Richmond James, who lives on a place which I control, in the country. He stated to me early in the campaign that he had never voted since his freedom; and that he was glad to see that we had commenced a movement for better government in the country, and that he intended to vote for better government with the democrats. He came in by sunrise and voted the republican ticket. He told me that his only reason for not voting with the democrats was that the letter herein attached was left at his gate, and he voted as he did to save my property from fire, and his own provision from destruction:

"Richman olld feller I rotte you thease line to lett you now if you dont voort I will Coo clock you and Born you out be sid for yor never do Voart if you don told feller it will be offel for your Look sharp old fler end truble is for at the yor time you better pray hard I tell yor better vort or your Will be burn out Sleep or Wake i am man a nuft nto git you I Will Look I will look to see if vort tueasday yor better Mer nnan or you will be birn out for Coorelueck."

Q. What was the condition of the county before the troops came?—

A. I say it was peaceable, and there was no lawlessness. I was member of the democratic executive committee, and we had instructions to prevent anything like intimidation, and we acted on it.

Q. What was the political effect of bringing United States troops here?

(Objected to as above.)

A. I think it lost the county to the democrats.

Q. Was there any falling off from the democratic ranks just after the troops came?—A. There was a considerable falling off.

Q. How far were the troops stationed from the —?—A. About half a mile.

Cross-examined:

Q. What do you mean by saying that the people were prepared to resort to intimidation?—A. I mean that they would be prepared to go from precinct to precinct in mounted squads for the purpose of making display of strength.

Q. Do I understand you to say that your county executive committee objected to your young men riding from precinct to precinct, because it was or appeared to be intimidation?—A. You do.

Q. How many votes were polled in the town of Sumter boxes?—A. About thirteen hundred or near that.

Q. About how many were white and how many colored?—A. I think more than two to one colored.

Q. How many votes were cast in Sumter County at the last election?—A. Between sixty-two and sixty-three hundred.

Q. Was the proportion of white and colored votes in the township of Sumter and throughout the county about the same?—A. The county had perhaps a preponderance of colored votes, but the proportion was nearly the same.

Q. What was the difference, in Sumter Township, in the votes cast for democrats and republicans?—A. They were about equal.

Q. What was the difference in the county at large?—A. Between fourteen and fifteen hundred republican majority.

In reply:

Q. How do you know that the people were prepared to go from precinct to precinct to make a display of strength?—A. Such a proposition was made by a member of the executive committee, but the chairman read the orders of the State executive committee which forbid any such thing, and it was abandoned.

Q. Were there any such demonstrations in this county?—A. There were not, to my knowledge.

Q. How many voters in Sumter on November 7 last past?—A. Between fifty-eight and fifty-nine hundred.

Q. How do you know?—A. Our executive committee had a roster taken from every precinct, and that was the number of voters returned.

Q. How many white?—A. About nineteen hundred white; the residue were colored.

Q. About how many colored men in this county voted the democratic ticket?—A. I think about five hundred.

Q. What proportion of colored voters in the town of Sumter voted the democratic ticket at the polls held here?—A. One-fourth of the colored vote taken at the Sumter precinct were democratic.

Q. What proportion of the whole colored vote of the county was democratic?—A. About one-ninth voted in that way.

Redirect:

Q. How do you account for more colored persons voting at Sumter precinct than in the country?—A. They came here to vote because there was less danger to them here than in the country, there being more democrats here to protect them, and also because there were more efforts made here by democrats to obtain colored votes. The club here had a larger proportion of colored democrats in it than any of the country clubs.

(Objected to as hearsay and opinion.)

Q. Do you know that some colored democrats came here to vote because they were afraid to vote where they lived?—A. A number whom I saw vote here gave the above to me as their reason for so doing. I know of my own knowledge that they lived in other portions of the county.

J. W. DARGAN.

Sworn to and subscribed to before me this 22d February, 1877.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

[L. S.]

E. W. MOISE,
Notary Public.

T. N. HUGGINS sworn:

Question. Were you at the Rafting Creek precinct the day of the general election?—Answer. I was.

Q. At what hour were the polls opened?—A. After 7 o'clock.

Q. Were you present when the polls were opened?—A. I was.

Q. Who acted as clerk and kept the poll-list?—A. Mr. Marion Sanders, but he did not keep it all the time. Mr. W. E. Jennings kept the rest of the time.

Q. Was he sworn?—A. He was not.

Q. Who swore the voters at that poll?—A. Mr. Marion Sanders swore them a part of the time.

Q. Was the polls closed between its opening and closing?—A. It was; the managers and clerk left the polls; cannot state that they all left together.

Q. What do you know about armed men appearing at the polls that day?—A. I was told that an armed body of men marched up to the polls that day and stacked their arms. I got up and out to look for them myself, and saw the guns about 150 yards from the polls. There were about 20 to 25 guns. That night on leaving the polls I said to Mr. Sanders I seen some armed men in front of us, leaving the polls. Mr. Sanders told me that there were more behind, and I noticed about 20 to 25 behind us, marching from the polls.

Cross-examination :

Q. Did everybody vote who wished to do so?—A. As far as I know, every one could vote that desired to do so.

Q. At what time of the day did you see the guns?—A. Soon in the afternoon.

Q. Had you been there all day?—A. I had, and did not go out of the house to see the guns, and did not see them until the time stated.

T. N. HUGGINS.

Sworn to and subscribed to before us this 22d day of February, 1877.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

[SEAL.]

E. W. MOISE,
Notary Public.

A. W. SUDER sworn :

Question. Were you a resident of the county and here during the last campaign?—Answer. I am intendant of the town of Sumter and have been a resident of this county for years past. I was present during the whole campaign and took a decided interest therein.

Q. What was the condition of the town and county previous to the coming of the United States troops?—A. Perfectly quiet.

Q. Was the authority of the mayor and council in any way resisted by any one?—A. Never in the least degree.

Q. Previous to the election was there any well-grounded apprehension that the public peace could or would be interrupted?

(Objected to as a matter of opinion.)

A. No such apprehension existed to my knowledge.

Q. What effect, if any, was produced by the advent of United States troops?—A. It had an intimidating on those colored persons who had proposed to vote with the democrats. I know this to be the case from a number of statements made by them in my presence.

Q. Was the coming of the troops threatened?—A. By the radical ring here to me.

Q. What was the condition of the colored vote of the county as to intimidation?—A. As a general thing the colored persons who wished to vote the democratic ticket were very much intimidated by threats made by colored republicans, of revenge to be taken by burning, and of the fact that if the colored people elected the democrats they would certainly lose their liberty and be bound in chains.

(Objected to as hearsay or opinion.)

Q. What was your position in the democratic organization of this county?—A. I was representative of the Sumter club on the county executive committee, and its clerk.

Q. Were you well informed as to the democratic plans of action? If

yea, state what they were.—A. They were to gain votes by all legitimate means, but all manner of violence or intimidation was to be avoided. The colored people were to be persuaded but not forced. These were the plans and they were carried out.

(Objected to so much as is matter of opinion.)

Q. Was there a census or roster taken of every voter, white and colored, by every club, at every precinct of the county?—A. There was, and I tabulated them.

Q. According to that roster, how many more colored votes were polled than by the roster you were in the county?—A. About 500.

Q. Was there not a democratic ticket, which was printed in red ink, distributed throughout the county?—A. There was, indeed.

Q. Do you know anything in relation to slips for any candidate? and, if so, state what you know.—A. I saw slips prepared to match the republican ticket, with Mr. Richardson's name on them, to be pasted over that of Joseph H. Rainey, in the place of candidate for Congress. They were generally distributed by me.

Q. (On cross-examination.) Did the quiet of the town continue after the troops arrived?—A. It did.

Q. Did the democrats desire the presence of the troops?—A. They did not show any such wish.

Q. Can you mention any instance of personal violence toward colored persons for voting or proposing to vote the democratic ticket?—A. I cannot mention any single instance.

Q. Where were soldiers stationed in this county?—A. At Sumter, and, I heard, at Lynchburg.

Q. You stated that there was a red democratic ticket; how was it headed?—A. Headed "Union Republican Ticket," and having on it the names of the democratic candidates.

Q. Was it generally well known among the democrats that these printed slips were going out, and would probably be voted?

(Objected to as a matter of opinion.)

A. Only to my own knowledge. I distributed them. Does not know what others know. I sent them to several precincts.

Q. At the counting of the votes were democrats present, with the privilege of looking on and witnessing the count?—A. Democrats as well as republicans were at the court-house (Sumter) at the time the votes were counted there, and I presume could have noticed irregularities.

Q. Can you name any one that was prevented by the presence of the troops from voting the democratic ticket?—A. I do not; there were no troops at the polls to prevent any one from voting.

Redirect:

Q. You were asked to mention any instance of personal violence to colored persons for voting the democratic ticket, and you answered you knew of none, to your own knowledge; now, were not numerous instances reported to you?

(Objected to as hearsay.)

A. Reported to me, and I heard it.

Q. Why was "Union Republican Ticket" put on the head of democratic ticket?—A. Cannot state the reason.

Q. Were the red democratic tickets used to cheat and deceive the colored voter, or was it used to shield him in voting as he desired?—A. I know of my own knowledge that in voting, two or three colored per-

sons, I handed him a white ticket, and he asked for the red ticket; that this would shield him from being found out.

Q. Can you name a single democratic manager who you know of that knew the strips referred to were given out?—A. I do not know.

Q. At the Sumter precinct you stated that the democrats, as well as the republicans, had the opportunity of overlooking the ballots; is, or is it not, a fact that at those precincts the contestant, J. S. Richardson, received a number of votes on which the red strips appeared?—A. I did not see a ticket; cannot answer the question.

Q. At the Sumter precinct, where you say the votes were so inspected, did or did not the contestant, J. S. Richardson, receive a larger number of votes than J. H. Rainey?—A. Richardson received two more votes than Rainey, and one more than Hampton.

A. W. SUDER.

Sworn and subscribed to before us this 22d day of February, 1877.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

[SEAL.]

E. W. MOISE,
Notary Public.

H. I. McLAURIN sworn:

Question. Were you, on 7th of November last, a citizen and resident of Sumter County, South Carolina?—Answer. I was.

Q. What precinct do you reside in?—A. Rafting Creek.

Q. In what capacity did you act?—A. As United States supervisor, appointed by the United States court.

Q. Was there another United States supervisor?—A. There was, a colored republican.

Q. When was the poll opened?—A. At twenty minutes past seven in the morning.

Q. How do you know the hour when it was opened?—A. Other managers there informed me.

(Objected to as hearsay.)

Q. Were you furnished with the printed election-law?—A. I was.

Q. What hour was named in the printed order of the attorney-general for you to open the polls?—A. I recollect, or my recollection is, that 6 a. m. was the hour indicated.

Q. Where were you during the day?—A. I was near about the poll.

Q. Was there any intermission or interruption in the course of the day?—A. I think it was, at first about 10 o'clock, and again in the afternoon.

Q. How long was the interruption?—A. I suppose fully one hour.

Q. Were the polls guarded, in these intermissions, or not guarded?—A. I saw them entirely unguarded, and I saw them at other times in charge of a man named Skinner, who was manager. He had occasion to leave, and he called upon a by-stander, not a manager, to take charge of that box. The man to whom I refer as being in charge of the box, and who was neither supervisor nor manager, was Reuben Dennis.

Q. Was the election at that precinct conducted in accordance with the instructions furnished the managers and supervisors, in print, from the office of the attorney-general?—A. They were not obeyed, and it was not so conducted.

Q. Who was appointed to act as clerk?—A. Marion Sanders.

Q. Was he sworn?—A. I was told by him, and by two of the managers, that he was not sworn. I am sure he was not sworn in my presence.

(Objected to as hearsay.)

Q. Were the red democratic tickets distributed?—A. I saw a number distributed.

Q. Were you present when any box or boxes were opened, after coming to the hands of the county canvassers?—A. I know the Rafting Creek box was opened, and the ballots counted by the county canvassers.

Q. Which of the managers was present at the recounting?—A. Only one—Mr. Skinner.

Q. What was the state of the county when the proclamations were issued by Grant and Chamberlain?—A. It was calm and serene.

Q. Peaceful?—A. Peaceful and quiet.

Q. Any difficulty in enforcing legal process?—A. None whatever.

Q. What was the moral effect of the colored clubs and societies upon the freedom of the individual exercise of the franchise?—A. It was certainly curtailed; I am sure that every influence was brought to bear upon the colored voter to make him adhere to the republican party, and excite his fears and apprehensions for the result should that party fail.

(Objected to as opinion.)

Q. Who kept the poll-list?—A. Marion Sanders, then Mr. Jennings, and lastly by another person. Neither of these were managers.

Q. Were either of these persons sworn?—A. Not in my presence; I am sure that neither Jennings nor the last party were sworn.

Q. How many openings were there in which to put ballots in the box?—A. Two.

Q. What was the character of the openings?—A. They were about one and one-half inches long and one-third wide.

Q. How many ballots were put in at one time?—A. I saw two that had been put in at one time, and I could have put in four.

Q. How many armed men came to the polls with guns and in martial array?—A. Not less than fifty in one company.

Q. What did they do with their guns?—A. Stacked them within one hundred yards of the polls and in sight, leaving a guard therewith.

Q. Were these arms in view of persons who would come up to that poll to vote?—A. They were.

Q. Were there other men who came to the polls under officers with drum and fife?—A. There was another company.

Q. What ticket did these armed bodies of men vote?—A. They voted republican tickets.

(Objected to as opinion.)

Q. Were they white or colored men?—A. They were all colored.

Q. How did they vote?—A. They voted in squads of four in this way: they were admitted into the room by fours; at first the oath was administered collectively; afterward it was administered severally, and they voted.

Q. Who gave them tickets?—A. Zack Walker and Skinner—both republicans.

Q. When they had voted, did they go off or not?—A. They remained until the box was closed and counted.

Q. Did the arms remain there all day?—A. They did; I left them there at night.

Q. What effect did this have?—A. I know of one case of intimidation. Peter Carter told me he did not vote the democratic ticket because too many guns were there.

Q. How many voters are you sure were sworn by Marion Sanders, above referred to?—A. Not less than two hundred and seventy-five voters in my presence.

Q. How was the oath administered?—A. Early in the day four voters were sworn together.

Q. Did any of those armed men have anything peculiar about them?—

A. They had something like a haversack on their shoulders.

Q. Do you know of any voters of unsound mind?—A. I know of two who were *non compos mentis*.

Q. Do you know of non-residents who voted?—A. I do; three or four, certain.

Q. When the ballots were counted, how was it done?—A. The tickets were assorted by the managers by colors and heading, and all the various candidates were credited with as many votes as there were tickets of the party he belonged to, all red tickets being credited to all republican candidates and all white tickets to democratic candidates.

Q. What do you mean by the heading?—A. I mean the first names, as Hayes and Wheeler on one set, and Tilden and Hendricks on the other.

Q. Do you know of any red tickets which were democratic?—A. I do know of such, and saw one in the box, which was counted for the republican candidates.

Q. Did the republican supervisor or yourself distribute tickets?—A. No.

Cross-examination :

Q. Was any one prevented from voting at the Rafting Creek precinct by the irregularities you have mentioned, or was any vote lost or gained to either party in consequence?—A. I know of no instances in consequence of the mismanagement.

Q. You say that at one time the polls were not guarded by either manager or supervisor. What were you doing at that time, being a United States supervisor?—A. At that time it was a recess taken. I don't remember what caused me to leave. When I came back found an outsider in charge.

Q. Did the democratic manager object to Sanders acting as clerk without being sworn, or to any irregularity connected with the duties of clerk at that precinct?—A. That I do not know.

Q. Is Jennings, who kept the list in the absence of the clerk, a democrat or republican?—A. A democrat.

Q. Did you not say in your direct examination that on the day of election, in full view of the circumstances and in allusion to the presence of those armed men, that no danger was to be apprehended; that it was only for show?—A. I apprehended no danger.

Q. Were there any votes in excess to the number of names on the poll-list?—A. There was one.

Q. Were two ballots found closely put together in any instance?—A. There was one democratic ticket and one republican.

Q. Were any scratched tickets voted?—A. I know of but one or two, which were written tickets, and not counted for any one except the candidates named on said tickets.

Q. Did I not understand you to say that you notified T. B. Sanders, a democratic manager, to watch and see that the red democratic tickets were properly counted?—A. I did.

Q. Did you witness the counting of the votes, and did you watch to see if they were correctly counted?—A. As well as I was able to do so, the light being imperfect.

Q. Is it or is it not a fact that every ticket came under the observation of Mr. Sanders, the democratic manager?—A. I think they did. My recollection is that Skinner took the tickets from the box and handed them to Sanders, who overlooked them.

Q. Was the quiet and peaceful condition of the county affected by the arrival of the troops?—A. It was; the republicans took a more active part afterwards.

Q. Was not the moral effect of the democratic clubs upon white voters such as to make them adhere to the democratic party, and to excite their fears and apprehensions for the result should that party fail?—A. Not near as much as the election of Chamberlain and his plunderers.

Q. Was there any other pressure brought to bear upon white men to vote the democratic ticket?—A. I know of none.

Q. Were there any white persons in the community who probably would have voted the republican ticket but for the pressure brought to bear on them by the democratic club?—A. I know none.

Q. Was not the democratic party better organized during the last campaign than for several years previous?—A. It was.

Q. Was it not generally asserted in Sumter County by the democrats during the past year that in the approaching election they would bring out many voters who had not voted since the war?—A. I believe there were voters who had not voted since the war. To my knowledge, I do not know of a single man that had not voted previously; to my knowledge, I don't know of one.

Redirect:

Q. Was Marion Sanders, who you say acted as clerk at the Rafting Creek precinct, and swore 275 of the voters, a republican office-holder?—A. He was.

Q. When you stated in the cross-examination that you did not apprehend any danger from the colored armed men present there, did you, or did you not, mean to say what was the effect upon others?—A. Only upon myself.

Q. You spoke in the cross-examination of a double ticket—that is, two tickets, one a republican ticket, one a democratic ticket, closely folded together; were either one of those tickets counted?—A. One was.

Q. How was it decided what one should be counted?—A. One of the managers took one of the tickets in one hand, one into the other, and held his hands behind his back, and one of the other managers indicated which hand held the ticket to be counted. This is my recollection.

Q. Does it not come within your knowledge that any red democratic ticket was counted that night as a republican ticket?—A. There was one.

Q. When was the mistake discovered?—A. Not until the box was opened in Sumter by the county canvasser.

Q. After stating, in answer to a question in the cross examination, that "the republicans took a more active part afterward," you were proceeding to state how they took a more active part; please explain how they took a more active part.—A. The republican party seemed to take a more active part by resorting to every measure by threats, and their wives were advised to leave their husbands in case they failed to support the republican ticket.

(Objected to as hearsay.)

Q. Were the democratic party ever organized as a party before the last campaign?—A. Never since reconstruction.

H. I. McLAURIN.

Sworn and subscribed to before us this 23d day of February, 1877.

[SEAL.]

FRANK F. TEICHER,

Notary Public.

[SEAL.]

E. W. MOISE,

Notary Public.

ELMORE DURANT (colored) sworn.

It having come to the knowledge of Mr. Richardson that colored witnesses were unwilling to testify in his behalf during the time when other colored persons of the republican party were present, it was agreed that

no persons except the notaries and counsel on both sides should be present, if the witnesses to be sworn so desired, and persons of color who were present to suggest to the attorney of Mr. Rainey were requested to withdraw.

Question. Did you join the democratic party during the last campaign and vote that ticket?—Answer. I did both.

Q. Was any influence brought to bear on you or anything done either to cause you to vote or not to vote that ticket?—A. I was frequently warned that I would suffer personal injury if I did not quit the democrats and return to the republican party. As the election drew near it got hotter, and one morning I found a written paper at my door which warned me that two weeks only were left for me to change in, when, if I did not return to the republican party, my light would be put out.

Q. What other information can you give?—A. I was working at town; my house was $2\frac{3}{4}$ miles from town. I and my wife had lived in peace until I joined the democrats; we have parted since for that reason. One morning my wife informed me that two colored men came along on horseback and said that I would not be on that road long, unless I turned from the democrats, and my wife advised me to return to the republicans or I would be killed some night. My wife's father (Dick Moore) cursed me, and said if I continued to stay with the democrats I ought to have my throat cut. He influenced my wife to dissatisfy her, and at last I slapped her. That night her father advised her to leave me, calling me a damned democrat. My wife left me in September or 1st October, and on the ground that I had joined the democrats.

(Objected to, so much as was opinion.)

Q. What about the troops?—A. I asked, what was the troops here for, and I was told that the soldiers' business was to see that the colored people voted the republican ticket, and to prevent the whites from intimidating them to vote the democratic ticket.

Q. How did you learn this?—A. It was the general talk among the colored republicans, and, I think, some white radicals also.

Cross-examination:

Q. Did you vote the democratic ticket openly; the white or the red?—A. I did; the white democratic ticket.

Q. No threats deterred you?—A. No.

Q. Have you suffered any personal violence?—A. I have never been struck; the attempt has been made.

Q. What do you mean by attempt?—A. I was told, whilst standing in a crowd, that a republican had a stick raised to knock my brains out. I turned and he slipped off. I afterwards asked him about it; he did not deny it, but that he was in liquor.

Q. Had your wife and yourself ever been parted before?—A. Yes; twice before that; once three days, and once nine days; at both times she went to her mother's; these had no connection with politics.

Q. Did your wife ever beat you for politics?—A. She never did.

Sworn to and subscribed before me this 26th February, A. D. 1877.

ELMORE ^{his} + DURANT.
mark.

In presence of:

[SEAL.]

E. W. MOISE,
Notary Public.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

His honor Judge A. J. SHAW sworn.

Question. Where do you reside?—Answer. In the town of Sumter, S. C.

Q. Do you hold any official position in the State, and, if so, what?—

A. I am judge of the third judicial circuit, composed of the counties of Sumter, Clarendon, Williamsburg, and Georgetown.

Q. How long have you been the judge of this circuit?—A. Since February, 1875.

Q. Where were you during the political canvass of last fall, and at the time of the election on the 7th of November?—A. During the month of September I was at the North. I returned to Sumter the first week in October, and have been within the limits of my circuit ever since. On the day of the election I was in the town of Sumter.

Q. When did the fall and winter terms of your courts begin, and when did they close?—A. They commenced at Sumter the second week in October, and ended at Georgetown about the second week in November. The business of the courts, however, did not occupy all of this time. The litigated cases in the common pleas were not tried, and there were fewer cases in the general sessions than ever before on the circuit within my knowledge. In Sumter, especially, where the dockets were always heavy, there were only five or six cases.

Q. Was there during this period any insurrection, domestic violence, or lawlessness in your circuit, which obstructed or hindered the execution of the laws?—A. None that I ever knew or heard of. There was no lawlessness or violence of any kind which the ordinary process of the courts could not remedy, and, notwithstanding the very great political excitement which prevailed, the laws were maintained and administered without difficulty.

Cross-examined :

Q. Was the election arrested by the presence of any armed force?—A. I cannot speak of what transpired or may have done so, at any election-poll except the one held at the court-house in Sumter, which I attended to vote. I was at none other at any time. I was at that poll but a few moments. I saw no United States troops and nothing took place in my presence calculated to interfere in the slightest degree with the rights of voters. On the contrary, the utmost quiet and good order prevailed; after depositing my vote in the ballot-box I returned home, and did not return.

Q. Was the conduct of the troops such as to prevent the freedom of the voters?—A. I never heard of any such action.

A. J. SHAW.

Sworn to and subscribed before me this 26th February, 1877.

[SEAL.]

E. W. MOISE,

Notary Public.

[SEAL.]

FRANK F. TEICHER,

Notary Public.

ISHAM ROBINSON (colored) sworn :

Question. When did you unite yourself with the democratic party?—Answer. In March last.

Q. Tell anything that was said to you to make you vote either for or against the republican party.—A. Just before Hampton made his speech in Sumter they came to *his* house on a Saturday night and set fire to my cow-pen on both sides. The wind was very high at the time. I ran out and drew the fence down and, with the help of my family, put the fire out.

Q. Have you heard any threats previous to your cow-pen being set on fire?—A. I did hear, and all that would vote the democratic ticket would be burned out.

(Objected to as hearsay.)

In consequence of these threats I set up and guarded my premises for two weeks thereafter, and did not vote on the day of election.

Q. Any other threats?—A. I heard it said, "Old Isham Robinson joined the democrats, and ought to be whipped."

Cross-examination :

Q. Were you afraid to come here to day to testify?—A. I was not.

Q. Would you have been afraid to testify in the presence of colored men?—A. Would not have been afraid to testify.

Q. Have you talked to anybody to-day about what your testimony was to be?—A. To Jourdan Wiley, a democrat.

Q. Why did you not vote?—A. I got hurt the day before, and had no conveyance to carry me to a voting place; would have gone if I had a conveyance.

Redirect :

Q. What did you say to Jourdan Wiley?—A. I asked J. Wiley where Mr. Richardson was; that is all I said to him.

ISHAM ^{his} + ROBINSON.
mark.

Sworn to and subscribed before us this 26th day of February, 1877.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

[SEAL.]

E. W. MOISE,
Notary Public.

MINUS FELDER (colored) sworn :

Question. When did you unite yourself with the democratic club of Sumter County?—Answer. During the last summer.

Q. State what influences were brought to bear upon you to cause you to vote for or against the democratic party.—A. All they said, when I came to vote, a woman told my wife at the depot that if I voted the democratic ticket I must not come back to the house; and when I first joined the party some republicans met me on the street and told me that I was in danger if I voted the democratic ticket.

(Objected to as hearsay and opinion.)

Cross-examination :

Q. How did you vote?—A. I voted the democratic ticket, open.

Q. What did you understand why the troops were sent here for?—A. to keep and preserve the peace.

Redirect :

Q. From whom did you hear that the troops came here to keep the peace?—A. From whites and colored.

Q. Did you ever hear the republicans say so?—A. Cannot tell whether republicans or democrats said so.

MINUS ^{his} + FELDER.
mark.

Sworn and subscribed to before us this 26th day of February, 1877.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

[SEAL]

E. W. MOISE,
Notary Public.

LONDON SUMTER (colored) sworn :

Question. When did you join the democratic party?—Answer. In March last.

Q. Were any threats or influence brought to bear upon you to cause you to vote for or against the democratic party? If so, state them.—A. The day before the election I was threatened to get killed if I voted the democratic ticket; the information was brought to me by others. (Objected to as hearsay.) Saw that Isham Robinson's premises had been set on fire; while canvassing the county, James Gaston told me that if I got to Weagefield where I had an appointment to speak for the democrats that there was a party there intending to horsewhip me; that while going to Privateer for the same purpose, I was informed that I would be murdered.

Cross-examination :

Q. Would you have been afraid to testify if colored men had been present?—A. I would not.

LONDON ^{his} + SUMTER.

Sworn to and subscribed to before us the 26th day of February, 1877.
[SEAL.]

FRANK F. TEICHER,
Notary Public.

[SEAL.]

E. W. MOISE,
Notary Public.

The witnesses Elmore Durant, Minus Felder, Isham Robinson, and London Sumter, being the four witnesses who were requested to be examined without the presence of other persons, and the examination being through, the room is open for admission of any persons wishing to do so.

C. H. MOISE sworn :

Question 1. Are you a resident of Sumter County, South Carolina, and how long a resident? Were you in the county during the last campaign?—Answer. I am a resident of Sumter County, South Carolina; have resided in this town and county nearly nine years. I was in this town and county during the last campaign.

Q. 2. Was there at any time preceding the election any threatened invasion by or actual presence of the public enemy? Was the county in peace and quiet or not?—A. No; perfect peace and quiet prevailed.

Q. 3. Was the *civil process* of the law, preceding and during the election, unobstructed and at all times capable of being quietly and peaceably enforced by the civil officers?—A. Yes.

Q. Was there any resistance to it whatever?—A. No.

Q. Were the courts open and in full operation?—A. Yes.

Q. 4. At any time preceding the election was there any well-grounded apprehension that the public peace would not or could not be maintained by the civil authority at any of the polls in the county?—A. No.

Q. Was there, in fact, any disturbance of the public peace at any of the polls in the county?—A. None at the polls in the town, and I did not hear of any in the county.

Q. 5. What effect upon the vote of colored voters did the introduction of United States troops have? Did or did not *their presence* in the county and in the congressional district influence colored voters; and, if so, how influence them?—A. I do not know.

Q. 6. Was or was not the introduction of United States troops threat-

ened before they were actually brought into the county? If so, who used the threats to bring them, republicans or democrats? Were the threats made in connection with the exercise of the ballots, or how were the threats used?—A. I did not hear any threats.

Q. 7. What was the number of colored voters in the county enrolled in the democratic clubs just before the United States troops were introduced into the county? Did that number vote the democratic ticket? What number of colored voters voted the democratic ticket?—A. I do not know.

Q. 8. What was the number of colored voters enrolled in the democratic club to which you belonged just before the United States troops were introduced into the county?—A. The club consisted of about 475 members, of which I think one-third were colored.

Q. What number voted the democratic ticket?—A. I do not know.

Q. 9. Did any of the United States supervisors of election, or the United States deputy marshals in this county, within your knowledge, take an active part in the election? Did any of them assist in distributing the republican tickets? If so, name them. Were they republicans or democrats?—A. At the poll where I was acting as democratic challenger, two colored deputy marshals attempted to prevent me from challenging republican voters. Their names are A. L. Singleton and Harrison Witherspoon. Witherspoon also assisted in distributing republican tickets. They were both republicans. There was no republican United States supervisor at my poll, and the democratic United States supervisor took no part.

Q. 10. Was there or was there not in the county a widespread intimidation of colored voters? Were they or were they not afraid to vote the democratic ticket? And, if so, of whom were they afraid; of the white or the colored people; of democrats or republicans?—A. Colored republicans endeavored to discourage colored democrats from acting with the democrats and voting the democratic ticket, by insults, jeers, &c. I have seen a colored man attacked for wearing a Tilden badge, and have frequently heard colored men insulted for the same act by colored republicans.

Q. 11. Give any instance of this you may know of, or any declarations or conversations of colored voters showing this. Did or did not the colored women make threats and use intimidation against such colored voters as affiliated with the democrats? Give instances if you can.—A. It was common talk that colored women would not allow colored men to live with them if they joined democratic clubs. One instance was Tony Dozier, colored, who told me his wife would not permit him to return to her house after joining a democratic club; and I have heard of many others.

(Objected to as hearsay.)

Q. 12. What were the declarations and teachings of the republican leaders, either white or colored, to the masses of the colored voters as to the reason for which United States troops were to be brought into the congressional district, or were to be sent into the State?—A. I never heard any.

Q. 13, 1. Have you ever heard colored voters assign a reason for their introduction; and, if so, what reason was assigned?—A. I never heard any.

Q. 13, 2. Were there any colored rifle-clubs, known by that name, in the county, to be disbanded by a proclamation disbanding rifle-clubs?—A. No.

Q. 13, 3. Did said proclamation deter colored persons from turning out

in bodies, and with arms?—A. I think not, though I do not remember seeing any such turnouts.

Q. 13, 4. Give instances, if you have seen them.—A. Have not seen any.

Q. 13, 5. What was the object of forming the rifle-clubs; was, or was it not to give assurance of protection to such colored voters as desired to vote the democratic ticket?—A. It was as stated, and also to protect the public peace.

Q. 14. Where were the United States troops stationed in this county; nearest to what polls, and how near to the polls? Were any of the United States troops at or near the polls on the day of the election?—A. A small detachment of United States troops, under Major Kelley, arrived in this town a few days before the election, and went away a few days after the election. They were encamped east of the railroad depot, about half a mile from the polls. They did not appear at or near the polls on the day of the election.

Q. 15. Has there been any registration of the voters in this county since 1868, in compliance with the constitutional requirements in that regard?—A. No.

Q. 16. Were the legislature and government in South Carolina, prior to the late election, republican or democratic?—A. Republican.

Q. How was the administration of county affairs in the county—republican or democratic?—A. Republican.

Cross-examination:

Q. You stated that one of the objects of the formation of the rifle-clubs was to protect the public peace; was there any apprehension that the public peace might be violated?—A. Subsequent to the outbreak in Charleston, at which colored democrats were beaten by colored republicans, apprehension prevailed that it might spread throughout the State. For that reason I joined the rifle-club.

Redirect:

Q. What was the date of Governor Chamberlain's proclamation disbanding the rifle-clubs?—A. October 7, 1876.

Q. Was or was this not the day when General Hampton had his public day at Sumter?—A. It was.

Q. Did any of the rifle-clubs in Sumter County turn out as such?—A. They did not; and I saw but one armed man that day—a white man.

CHAS. H. MOISE.

Sworn to and subscribed before me this 26th day of February, 1877.

[SEAL.]

FRANK F. TEICHER,

Notary Public.

[SEAL.]

E. W. MOISE,

Notary Public.

E. T. MOORE sworn.

Q. Did you act as a manager at Wedgefield precinct?—A. I did.

Q. Who acted as clerk, and was he properly sworn?—A. Mansfield McLaurin acted as clerk, and was not sworn according to the act, as is written in the act.

Q. Who administered the oath to the voters?—A. W. Singleton, when present; during his absence, Yank Gayman.

Q. Was the same oath administered to all voters?—A. Sometimes administered in some words and at other times in other words.

Q. State the manner of counting the votes at your precinct.—A. All

tickets were headed with Chamberlain for governor, and were not scratched or any name pasted over another, were counted for every candidate on the republican ticket without reading out the names; and so every ticket headed by Hampton was counted for every man on the democratic ticket; then the altered tickets were counted for those whose names appeared on the same.

Cross-examination:

Q. Was it not generally claimed by republicans that troops were sent here to keep the peace and maintain order?—A. Heard a good many speeches during the campaign, and heard it said that the troops came here for the purpose of maintaining order; this by republicans, though the democrats claimed that they were brought here for other purposes; heard no republicans say that troops were brought for any other purpose than to maintain the peace.

Q. You stated that you were a manager; were you not a democratic manager?—A. I was, and openly so.

Q. Was not the oath administered in substance the same as the regular written oath?—A. I consider, with an intelligent person, that the oath administered would be binding; with ignorant person, questionable, and it was the intention, I have no doubt, to administer the lawful oath or its equivalent.

(Objected to as opinion.)

Q. Were you not allowed to speak at republican meetings, during the late canvass, on behalf of the democratic party?—A. I was permitted to speak, with objections in one or two cases by the leaders, but upon a vote I was allowed by the people.

Q. Were there guns or pistols fired off after closing of the poll's?—A. Did not see them, but sounded to me like pistols; did not see the parties fire the pistols.

Redirect:

Q. Was there any form of oath furnished to the managers at Wedge-field precinct by the county commissioners of election?—A. I was a manager and saw none, and no written form was used that day.

Q. As one of the managers, did you or did you not call attention that day to the fact that the oath administered was not the lawful oath?—A. I did. At the opening of the poll I called for the oath, and finding there was none, I told them that we could not carry the election-law out properly without having the legal oath; the other two managers said we must do the best we could.

E. T. MOORE.

Sworn to and subscribed before me the 27th day of February, 1877.

[SEAL.]

FRANK F. TEICHER,

Notary Public.

Mr. E. T. MOORE recalled.

Q. Have you heard any language used by the republican leaders in their public speeches calculated to intimidate and force colored voters to vote the republican ticket? If so, state the language, and who used it.—

A. I have heard W. E. Johnson, a colored senator from this county, twice in public speeches say to colored women not to cook or wash for their husbands if they voted the democratic ticket; and those that had lovers to discard their lovers at once if they voted the democratic ticket; and told them that there would be such a class of laws enacted here if the democrats get into power that it would be worse than slavery.

Cross-examination :

Q. Were not the utmost efforts used by both parties to influence every vote possible?—A. Every white or colored man used every effort to influence as many votes as possible; that we stated if Chamberlain was re-elected taxes were as high as general, and we would not be able to pay high wages for labor, as if Hampton was elected taxes would be lower. We also told them that we would give preference in furnishing supplies and employment to those who voted the democratic ticket; and we would also, if we had anything left, furnish it to any good, quiet, and honest republican; I mean by quiet not taking a prominent part in politics.

Redirect :

Q. You speak of both parties using every effort to get voters to vote with them. Do you, or do you not, mean to say that the democratic party proposed or did use any undue or illegal measures?—A. They used persuasion, and argument, and inducement only.

E. T. MOORE.

Sworn to and subscribed to before me this 27th day of February, 1877.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

[SEAL.]

E. W. MOISE,
Notary Public.

HORACE BRADLEY (colored) sworn.

Question. Did you join the democratic party?—Answer. I did.

Q. Did you vote the republican ticket?—A. I did vote the republican ticket; scratched Mr. Rainey's name off and inserted Mr. Richardson's instead.

Q. You say you joined the democratic club; how came it that you voted the republican ticket?—A. They told me if I voted the democratic ticket they would throw me out the brotherhood society and pitch me out of doors head foremost.

Q. What else was told you would be done to you if you voted the democratic ticket?—A. Governor Chamberlain was to turn out all the convicts in the penitentiary, and all the colored people voted the democratic ticket were to put in their places; that all the troops would drive us to the polls and make us vote the radical ticket; those that did not vote the radical ticket were to be put on a list and go to the penitentiary.

Q. Where did you hear that talk?—A. Right in our church, at the society meeting.

Q. Was there anything said, and, if so, what, about turning you out of the society?—A. If I voted the democratic ticket I was to be put out, or if I put an additional democratic name on the ticket I was to be put out also.

Q. What was it, now, that caused you not to vote the democratic ticket?—A. The reason stated, and in addition, because they told me that Chamberlain was to erect large stores throughout the country for the benefit of all republican voters, and that the ones voting the democratic ticket were to be placed in fields with drivers over them and the children to be put back into slavery; this caused me to take my name off the democratic club list.

Cross-examination :

Q. Was this brotherhood a political club?—A. It was.

Q. They did not object to you voting for Mr. Richardson?—A. No; because they said he would not get it anyhow.

Q. Did you really believe you would be put back into slavery again?—A. I did not really believe it, but I would not risk it.

Redirect:

Q. What was the brotherhood society formed for?—A. To keep us from being obliged to take liens from the democrats; in case of sickness to support each other; to furnish coffins in case of death.

Q. Did that society adhere to those principles?—A. Changed about the election time and became political.

Q. Did you, or did you not, believe what they told you about the penitentiary?—A. I did not exactly believe it, but I did not wish to risk it, as I did not wish to go there.

HORACE ^{his} + BRADLEY.
mark.

Sworn and subscribed to before me this 27th day of February, 1877.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

[SEAL.]

E. W. MOISE,
Notary Public.

ROBERT ROSS (colored) sworn.

Question. Were you a member of the Sumter Democratic Club?—

Answer. I was a member of the Sumter Democratic Club.

Q. Did you canvass the county?—A. I did canvass the county during the last campaign.

Q. Where were you on the day of election?—A. In the town of Sumter.

Q. Did you see Harrison Witherspoon here on the day of election?—A. I did.

Q. Did he act in any official capacity on that day?—A. Acted as United States deputy marshal.

Q. What did you see him do?—A. He interfered with persons voted the democratic ticket, on the plea that he was a United States deputy marshal; had republican tickets in his hand, which he distributed; he threatened to arrest Mr. Frank Haynsworth for trying to get persons to vote the democratic ticket.

Q. Were any threats or undue influences brought to bear on you to keep you from canvassing the county for the democrats and to keep you from voting the democratic ticket? If so, state what.—A. They were. I was told that if I should go to Privateer to speak I would not return alive, and I better had fast horses to git away, because the coons down there said they don't intend to allow any democratic niggers to address them in that section.

(Objected to as hearsay.)

I was a member of the Union Brotherhood with Abram Ruffian, and we joined the democratic club; they turned us out; would not hear from us at all, and threatened to turn us out head foremost.

Q. What reason was assigned to you, and who by, for the introduction of the troops?—A. I heard it from the court-house ring and the brotherhood that they were brought here for the protection of the republican party, and to carry the election for the republicans. I heard this right at the court-house.

Cross-examination:

Q. What did you mean by saying that Harrison Witherspoon threat-

ened to arrest Frank Haynsworth for getting persons to vote the democratic ticket?—A. Frank Haynsworth brought some colored men to vote the democratic ticket to the polls, and Harrison Witherspoon told him he had no right to do so; they had a right to vote as they pleased.

Q. Were you ever thrown out of that society?—A. I was not; I staid as long as I pleased.

Q. Did you not hear the court-house ring say that the troops were brought here for the purpose of having a fair election, preserving the peace, and so on?—A. I said that the troops came here in the interest of the republican party; that the court-house ring said they came here to carry the election for the republican party fairly and squarely; to keep down fuss.

Q. Were you prevented from voting and canvassing the county by their threats?—A. I was not.

Redirect:

Q. Was Frank Haynsworth trying to make anybody vote against their wish, when Harrison Witherspoon interfered?—A. He was not.
(Objected to as a matter of opinion.)

ROBERT ROSS.

Sworn and subscribed to before me this 27th day of February, 1877.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

[SEAL.]

E. W. MOISE,
Notary Public.

J. A. RHAME sworn.

Question. Where were you on the day of election?—Answer. At the Lynchburg box.

Q. Were United States troops stationed near the box?—A. Ten soldiers, under command of a lieutenant, were stationed within 150 yards of that poll; arrived the morning before and left the second day after the election.

Q. Who acted as United States deputy marshal?—A. 1. A. Lagru.

Q. Was he or was he not a candidate on the republican ticket?—A. He was.

Q. Was anything done by Lagru in his official capacity that day?—A. At an early hour in the morning he approached J. W. Wilson, and told him that he would have to go to Charleston and give an account for his conduct for handing a man two tickets; that when he came there he intended to avoid arresting anybody if he could do it, but now "you have to go to Charleston to answer for that." Mr. Wilson explained that in handing two tickets to Mr. Boyce he had not folded them together, nor had he designed that he should vote or attempt to vote two tickets. Lagru said, "You need not explain to me; you have to explain that in Charleston; I am not trying the case."

Q. Did or did not the conduct of Lagru exert an intimidating effect upon the colored voters?

(Objected to as a matter of opinion and hearsay.)

A. It did.

Q. Had Wilson been very active prior to this attempted arrest in distributing democratic tickets?—A. He had.

Q. After this attempted arrest by Lagru, did or did not Wilson cease to distribute tickets and consider himself arrested?—A. He ceased to distribute tickets and did not take any active part any more that day.

Q. What was the effect of this attempted arrest upon others?—A. Several persons who assisted in distributing democratic tickets ceased to do so in consequence of the arrest, and said they would not take any part, for the reason that they were afraid to do so.

(Objected to—the hearsay portion.)

Q. Did Lagru do or say anything else to intimidate the crowd there present?—A. He said that a man was sent to Bishopville as United States marshal much stricter than he was, and he would bet that there would be fifty arrests made there that day. He said that the troops at Lynchburg were under his orders and would arrest any man that he would point out. Later in the afternoon he said to witness, (who had been distributing red democratic tickets,) “I have been watching you all day, and now I’ve got you where I want you.” This he said upon witness showing him the red ticket which he had been distributing, and snatched some out of his hand.

Cross-examination :

Q. Was not Wilson afterwards informed that he need apprehend no danger of going to Charleston?—A. I spoke to Lagru; told him that I knew Mr. Wilson; did not think he would resort to any trick to get a man to vote two tickets. Lagru said that he was not disposed to be any harder than he was obliged to be, and that he would say more about it before he left Lynchburg, from which I understood that he would give a definite answer whether Mr. Wilson would have to go to Charleston or not. I saw that Mr. Wilson was very much disturbed about it, and I told him I did not think that he would have to go to Charleston. I thought it likely that he would be let off without going to Charleston; that Lagru would likely let him off.

Q. State the circumstances, and to whom did Wilson give the two tickets?—A. To a white man named Boyce, who, when accused of being about to vote two tickets folded together, said he had asked Mr. Wilson for a ticket or tickets; said Wilson had handed him the two. This was the offense that led to the attempted arrest of Wilson.

Q. Did anything else of the kind occur during the day except what has been mentioned?—A. Lagru announced that he had the names of several parties to be arrested; this was about 9 or 10 o’clock in the morning?

Q. What time was the conversation between you and Lagru as to the red democratic tickets?—A. In the afternoon, about 4 o’clock.

Q. Did this prevent you from distributing the red tickets?—A. It did not.

Q. Did any colored men vote the democratic ticket?—A. Several of them promised to do so; received the tickets, and I believe voted them; voted the white ticket.

Q. Can you name any colored voter who was prevented by the presence of the soldiers from voting the democratic ticket?—A. Not prepared to give the name, and I have not known the names of any.

Redirect:

Q. Did or did not the presence of the troops there or at the polls on that day exert an influence adverse to the democratic cause, and favorable to the republicans?—A. It did, beyond a doubt.

Q. You were asked as to the conduct of Lagru; what came under your knowledge or information as to his saying he wanted several warrants taken out?—A. The local trial-justice, T. W. McDonald, informed me

that Lagru had told him that he wanted several warrants that evening; this about the middle of the day.

Q. After the conversation you had with Wilson in reference to his being carried to Charleston, did he or did he not renew his activity or not?—A. He did not.

Q. Was Wilson at the polls when Mr. Boyce came up to vote?—A. He was not there, but he was called, and came up to the box when the difficulty about the two tickets arose.

J. A. RHAME.

Sworn to and subscribed to before me this 28th day of February, 1877.
[SEAL.] FRANK F. TEICHER,

Notary Public.

[SEAL.]

E. W. MOISE,
Notary Public.

D. E. KEELS sworn :

Question. Are you a citizen of the county, and were you here during the campaign and election?—Answer. I am, and was here on the day of election and during the campaign.

Q. What was the influence of the presence of United States troops upon colored voters; was it favorable to the republican or democratic cause?—A. To the republican cause, in my opinion, to a considerable extent.

(Objected to as opinion.)

Q. State reasons for your saying so.—A. A great many colored people pledged themselves to me, and signed papers to that effect, that they would vote the Hampton ticket, and when the troops arrived, they said that they could not do it, on account of the troops being here.

(Objected to as hearsay.)

Q. Did those persons referred to afterwards vote the republican ticket?—A. They did all, except one.

Q. Did or did not colored people, in your presence, assign reasons why the troops were sent; and, if so, what reasons were assigned?—A. They said that troops were sent here by Grant in support of the republican party, and to see that they voted for Hayes and Wheeler and Chamberlain.

(Objected to as hearsay.)

Q. Was there any intimidation of colored voters by colored people, which came under your knowledge? If so, state.—A. A good many told me that if colored people would join the democrats they would whip them for so doing.

Q. Did these threats deter colored people from joining the democrats?—A. Of my own knowledge I do not know, but colored people told me they were afraid of their own color to join the democratic party, and some said that their wives said they would quit their husbands; others, that they would be turned out of their churches.

(Object to so much as is hearsay.)

Cross-examination :

Q. What kind of an agreement did you refer to?—A. A private agreement made by me and certain colored people, wherein I agreed that they should have employment, good houses to live in, and their rations, and should have protection in voting the democratic ticket, on which they agreed that they would vote the democratic ticket.

Q. Name some of the parties to this agreement who voted the repub-

lican ticket.—A. Joe Carter, Ned Carter, John Henry, Robert Wells, Arthur Moe, and others.

Q. Do you mean that a good many persons told you that they themselves would whip colored men for voting the democratic ticket?—A. I can name four or five that I remember: Dave Couser, Davis, and a colored man living at Dick Dubois'; don't remember just now his name; can't name any others at present.

D. E. KEETS.

Sworn to and subscribed to before me this 28th day February.

[SEAL.]

FRANK F. TEICHER,

Notary Public.

[SEAL.]

E. W. MOISE,

Notary Public.

ROBERT BROÛN sworn.

Question. Were you a manager at any of the precincts at the late election?—Answer. I was not, but acted as the democratic supervisor's clerk at Manchester poll, and was there all day from 6 o'clock a. m. until the polls were closed that night, and until after the votes were counted and certificates made out and properly signed.

Q. During the day did anything unusual occur? If so, state what it was.—A. I saw arms there claimed by republicans, and none claimed by democrats.

Q. What kind of arms and what were they you alluded to?—A. Soon after opening of the polls I saw colored people riding up, displaying fire-arms freely; they came up in squads; some of these arms were deposited on a wagon without a body on it, but only a slat floor, within about 50 yards off and in full view of the polls.

Q. After riding up to the polls armed how did these men proceed to vote?—A. Left their arms without the building, crowded in the house, and were sworn in several at the time and then voted; they were unusual boisterous about the polls and within different distances of the house.

Q. Were any persons prevented from coming there to vote or from voting the democratic ticket there that day?—A. Two of my tenants told me they were afraid to vote there, and went to Wedgefield to vote.

(Objected to.)

The colored manager, Jack Simons, a republican, and chairman of the managers, cautioned several against voting any but the republican ticket.

Q. Were any of the managers armed that day?—A. The chairman placed a double-barreled shot-gun in his wagon upon going home, and he said during the progress of the election he hoped not to have any disturbance there.

Q. Were the colored people very largely in the majority at that poll?—A. The legitimate majority is 3 to 1, but the influx of whites from an adjoining township, Privateer, doubled the democratic vote, and the vote there stood 50 per cent. greater in favor of the republicans.

Q. How were the ballots counted?—A. The red tickets were placed into one pile, and the black printed tickets were placed into another, and scored, every name on the republican ticket for the republican candidates, one for every red ticket; and the democratic candidates one for every ticket printed in black except the scratched tickets, which were given to the candidates ascertained to be on said tickets.

Cross-examination :

Q. You mean by being noisy, that these men were hurrahing for their candidates?—A. I do.

Q. In your statement of the manner of counting the tickets do you mean that any democratic red tickets were counted for the republican candidates?—A. I do not mean to say that either tickets were counted for names not represented thereon.

Redirect :

Q. But were the names on the tickets, each one of them, read out to ascertain the fact you last stated?—A. No, they were not.

Q. Were any red democratic tickets voted at that precinct?—A. They were.

Q. Did you know of the existence of a red democratic ticket until after the polls had been closed?—A. I heard it.

Q. Were or were not some of these red democratic tickets in the pile containing the republican tickets?—A. They were discovered upon examination by the chairman finding out that they were more red tickets than colored voters.

ROBERT BROUN.

Sworn to and subscribed to before me this 28th day of February, '77.

[SEAL]

FRANK F. TEICHER,
Notary Public.

[SEAL.]

E. W. MOISE,
Notary Public.

R. J. ANDERSON sworn.

Question. Where do you reside?—Answer. In Lynchburg, Sumter County, S. C.

Q. What is the number of inhabitants residing there?—A. Not exceeding 400.

Q. Where were you on election-day?—A. At Lynchburg.

Q. What part did you take?—A. An active part I started to take, and commenced doing so.

Q. What stopped you?—A. Legare, a deputy United States marshal, stepped up to me, when talking to some colored voters, and said, "The campaign is closed; no electioneering here on this day."

Q. Who was he?—A. He was a republican, a candidate for office, and a United States deputy marshal. He showed me his badge, and told me that he wanted everybody to know who and what he was.

Q. Did anything else happen to stop you?—A. Yes; Mr. Boyce came up, and Mr. J. N. Wilson asked him if he had a ticket. He said, "No." Mr. Wilson handed him some. Mr. Boyce walked up next to the polls, when some one cried out for Legare. He came up and asked what was the matter. He was answered, "Here is a man trying to vote two tickets." He said Mr. Wilson gave him these tickets. Legare then stopped Mr. Wilson, saying, "No explanation here; that thing would have to be settled in Charleston;" that he would have to attend court in Charleston.

Q. Did Legare say anything about the troops?—A. He said the troops were there subject to his order; he could have a man arrested and put under guard of those troops. He said he had the power to do so, but did not want to do so. Later in the day he said to me that he had names, 11 or 13, who would be arrested. That wound me up. I ceased to take any part, as I did not wish to go to United States court at Charleston.

Q. Had Mr. J. N. Wilson been active before the time Legare stopped him?—A. He had been, but ceased then and went home.

Cross-examined :

Q. Did what you call an attempt to arrest Wilson consist only of the statement that that thing would have to be decided in Charleston?—A. That was all. He took his name down, and made the statement above.

R. J. ANDERSON.

Sworn to and subscribed before me this 28th February, A. D. 1877.

[SEAL.]

E. W. MOISE,

Notary Public.

[SEAL.]

FRANK F. TEICHER,

Notary Public.

ISAAC HAYNEMUTH, colored, sworn.

Question. How did you propose to vote in the recent election?—Answer. Democratic.

Q. Which way did you vote?—A. Radical.

Q. Why?—A. Because I heard that they were burning out so many people, it kept me back.

Q. Did you hear of any other thing?—A. Yes; I heard they were whipping.

Q. Who was it they said they would whip and burn out?—A. The democrats.

Q. Where did you hear these things?—A. Through the whole neighborhood.

(Objection to all hearsay.)

Q. Were the other colored people on the same place with you going to vote as you did?—A. They were going to vote the democratic ticket, and refrained, from the same rumors.

(Objected to as opinion.)

Cross-examined :

Q. Can you mention the names of any persons who were whipped or burnt out?—A. No, sir.

his
ISAAC + HAYNEMUTH.
mark.

Sworn to and subscribed before me this March 1st, 1877.

[SEAL.]

E. W. MOISE,

Notary Public.

[SEAL.]

FRANK F. TEICHER,

Notary Public.

WILLIAM E. JENNINGS sworn.

Question. Did you act as clerk any portion of the time at Rafting Creek?—Answer. I was supervisor's clerk only. I cannot say positively that I kept the list for Marion Sanders any portion of the day; I think I did so.

Q. Were you sworn as clerk?—A. I was not.

Q. When did the polls open?—A. Not earlier than fifteen minutes to eight.

WM. E. JENNINGS.

Sworn to and subscribed before me this 1st March, A. D. 1877.

[SEAL.]

E. W. MOISE,

Notary Public.

[SEAL.]

FRANK F. TEICHER,

Notary Public.

A. RUFFIN, colored, sworn.

Question. Were you a citizen of Sumter County and located at Sumter during the late campaign?—Answer. I was.

Q. Did you canvass the county as a member of the democratic club?—A. I did.

Q. Do you know of any intimidation of colored democrats?—A. Soon after I joined the democratic party—I had been for a long time a member of the Union Brotherhood—I attended a brotherhood meeting, which was turned into a political meeting after the brotherhood business was over, and the necessity of keeping the brotherhood together for political purposes was shown and discussed. I was pointed out as one of the standard-bearers, yet had gone over to the democrats, and thus sold my birthright and my children's freedom. I tried to be heard in my defense, and was stopped by cries of "Put him out," "Kill him," &c. After that time the colored republicans hooted at me in the street, and they turned me out of the brotherhood, keeping my means which I had put in.

Q. What was the brotherhood formed for?—A. At first for charitable purposes, and afterward turned into political association.

Q. Were you ever imposed upon or maltreated for your democratic opinions?—A. I was treated very roughly at Mayesville, abused and threatened with a whipping. At Sumter I was informed by Mr. J. M. Tindall, candidate for sheriff of the county on the republican ticket, and at that time the sheriff, that if I went to Privateer I would be whipped. He afterward said that I would be allowed to speak if I agreed that he was to follow me, and that I had better have a good horse to get away on. At Wedgefield the buggy I was in was stopped, and I was very seriously threatened. The Rev. W. E. Johnson was riding with me. He stopped the man who was threatening me and sent him away. He was the republican senator for the county.

Q. Where were the Union Brotherhood organized?—A. At every precinct in the county.

Q. Did they afterwards turn out with political organizations of the republican party?—A. They were organized a good while before the campaign, but after the campaign opened they turned out with banners, representing each election precinct in the county, and joined the republican processions.

Q. Were you present at Privateer when the sheriff, J. M. Tindall, made an address to the Union Brotherhood?—A. I was.

Q. What sort of speech was it?—A. A political speech.

Q. Who else spoke?—A. Senator Maxwell, of Marlboro'.

Q. Was there any Union Brotherhood in it?—A. None that I heard.

Q. Do you know of any threats made against colored people for affiliating with democrats?—A. It was just a general tantalizing and threatening of them. Some preachers never closed a sermon without bringing in the democratic darkies. It was the common cry that any negro who joined the democrats ought to be killed.

Cross-examined:

Q. At the brotherhood meetings proper, were politics discussed?—A. No.

Q. Do not the rules forbid?—A. They do.

Q. Were not there political matters discussed after the brotherhood had adjourned?—A. There were.

Q. Does the brotherhood, as such, ever transact business in public?—A. No, sir.

Q. At Privateer, where Tindall and Maxwell spoke, was a Union Brotherhood meeting regularly organized?—A. No, sir; there was a democratic meeting and the members of the brotherhood were present. Then Mr. Smiling asked that the meeting be closed, as there was to be a meeting of the brotherhood; then they called the crowd off about 50 yards; Mr. Tindall commenced to speak a political speech—no brotherhood meeting whatever; then Mr. Maxwell followed. Any one who pleased could go and hear.

Q. Are persons not members allowed to be present at a brotherhood meeting?—A. No.

Q. When were you turned out of the brotherhood?—A. I can't tell the day of the month; I think it was in the month of September.

Q. Who ever refused you admission to the brotherhood upon your presenting yourself for that purpose?—A. The doorkeeper at the district meeting; I don't know his name.

Q. Was you ever refused at any other time when you went there and knocked?—A. I never went; the doorkeeper told me that I was not recognized because I was a democrat.

Q. How was this meeting composed?—A. Of delegates from the different precinct brotherhoods.

Q. Were any persons except delegates entitled to admission?—A. Not that I know of.

Q. Were you a delegate?—A. I was not.

Q. You speak of being threatened with a whipping at Mayesville; is it not a fact that the threats were made by a drunken man who was kept off by other republicans?—A. No, sir; the threats were not made by him; they were made by those women and the crowd who were around for an hour before he came.

Q. Did the man who was drunk make threats?—A. He pretended to be drunk; he put his hand on my democratic badge; he said, "You must put it off; we don't allow no democratic niggers here."

Q. Is not that the same man who was carried off?—A. He was.

Q. Mention the preachers whom you have heard preach against the democrats.—A. I have heard James White. I only go to one church. He is the only one I heard.

Q. State who said that any colored man who voted the democratic ticket should be killed.—A. I heard the general rumor that they ought to be killed. Sam MacDuffie is one that I heard say so; also Moses James. Those are all I now can recall to be positive about.

Q. Where did you hear Sam MacDuffie say so?—A. He told me so at the corner of Mr. Cohen's store.

Q. Who was present?—A. I cannot call names. I saw a crowd, but don't remember persons.

In reply:

Q. What was announced at Privateer by the chairman of the Union Brotherhood?—A. It was publicly announced by him that there would be a meeting of the brotherhood.

Q. Did the members of the brotherhood draw off and organize another meeting?—A. They did; and a meeting was immediately organized.

Q. Were the political meetings, referred to by you as following the brotherhood meetings, composed of the members of the brotherhood and held in the same room?—A. They were.

ABRAM ^{his} + RUFFIN.
mark.

Sworn to and subscribed before me this March 1, 1877.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

[SEAL.]

E. W. MOISE,
Notary Public.

RALPH WILSON (colored) sworn.

Question. Were you a resident of this county?—Answer. I am.

Q. Were you here during the last campaign and election?—A. I was.

Q. Did you join the democratic party and vote the democratic ticket?—
A. I did.

Q. Were any threats made against you for joining the democratic party and for desiring to vote the democratic ticket? If so, state what threats, and whom made by.—A. They threatened to whip me, and threatened also to burn out every democratic nigger; further stated that the troops came here to make them vote for the republican party.

Q. Who did you hear these threats from?—A. A great many from the republicans of Sumter.

Q. Was it or was it not a fact that these reports and threats were generally circulated through the county?—A. They were generally talked about among the colored people.

Q. Do you know whether these threats and talk about the troops prevented colored people from voting the democratic ticket?—A. I don't know, but the colored people seemed to be very much afraid.

Cross examination :

Q. Did you believe that the troops were sent here for the purpose of making colored people vote the republican ticket?—A. I did not.

Redirect :

Q. Did you or did you not try to make the colored people think the troops were not sent here to make the colored people vote the republican ticket?—A. I did; everywhere I went.

Q. Did you succeed in doing so?—A. I did not; a great many of them believed the other way, and so stated to me.

(Objected to as hearsay and matter of opinion.)

RALPH ^{his} + WILSON.
mark.

Sworn to and subscribed before me this 2d day of March, 1877.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

[SEAL.]

E. W. MOISE,
Notary Public.

A. L. SINGLETON sworn.

Q. Are you a resident of the county?—A. I am.

Q. Are you a republican?—A. I am.

Q. In what official capacity did you act during the day of election?—
A. I was a deputy United States marshal; have been for several years, and am still acting as such.

Q. Were there any deputy United States marshals appointed to act as such at the various election precincts in this county at the general election held on the 7th of November last?—A. There was one for each election precinct, but all did not serve; only ten acted as such.

Q. Were they all republicans?—A. I presume they were.

Q. At whose request were the appointments made?—A. At the request of the chairman of the executive committee of the republican party.

Q. Who actually made the appointments?—A. By R. M. Wallace, United States marshal for this State.

Q. Name the persons that served as such United States deputy marshals, and those who were appointed and did not serve.—A. Joseph P. Sumter, J. H. Legare, at Lynchburg; ———, at Providence; Harrison Witherspoon, at Sumter, S. C.; Henry Wells, I think, at Wells's Cross-Roads; Henry Wilson, at Johnston's Store; H. Wiley, at Wedgefield; William Singleton, at Concord; Armstead Robinson, at Bishopville; Preston Durant, at Blair's Cross-Roads; Maj. B. Gray, at Rafting Creek. The above ten served; eight others appointed did not serve.

Q. Who acted as United States supervisors for the republicans at Sumter?—A. Stephen Waters and J. H. Ferriter.

Cross-examination:

Q. What were the instructions given to the deputy marshals from the United States marshal, R. M. Wallace?—A. To see that every citizen be allowed to deposit his ballot according to his own notion and not be debarred from so doing.

A. L. SINGLETON.

Sworn and subscribed to before me this 2d day of March, 1877.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

[SEAL.]

E. W. MOISE,
Notary Public.

EDWARD D. SHIVER (colored) sworn.

Q. Were you a resident of this county during the late campaign and the day of election?—A. I was.

Q. Did you canvass the county and take an active part for the democrats?—A. I certainly did.

Q. Were any threats made to you, or did any threats come to you, for being a democrat and desiring to vote the democratic ticket?—A. There was, by a good many; did not pay any particular attention to any one, I being a free man to do as I please about voting; they told me if I voted the democratic ticket I could not stay here, but should vote the republican ticket.

Q. What threats were made to you in Columbia?—A. I went from here as a delegate to the convention; I was told that I could not stay there that night; that I would be killed if I did.

(Objected to that as not applying, because Columbia is not in the congressional district.)

Q. What was it said that the troops were brought here?—A. The troops were brought here for the purpose of keeping the niggers from voting the democratic ticket; this was generally circulated amongst the colored people.

Cross-examination:

Q. Can you name any one who threatened you, or who said the troops were brought here to make the colored people vote the republican ticket, or prevent them from voting the democratic ticket?—A. I cannot name any particular one.

Redirect.

Q. Were those threats and the talk about the troops spoken by a few

persons or was it generally talked of over the whole county?—A. It was general talk all over the county.

EDWARD D. SHIVER.

Sworn to and subscribed before me this 2d day of March, 1877.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

[SEAL.]

E. W. MOISE,
Notary Public.

R. S. BRADWELL sworn.

Question. Were you a resident of Sumter County and present at the late general election?—Answer. I was.

Q. In what capacity did you act?—A. As manager of precinct No. 1, at Sumter.

Q. How many managers were there at that poll at its opening?—A. Two; Mr. Waties and myself.

Q. Who was the third manager appointed?—A. Mr. Ben. Lawson.

Q. When did he come?—A. At least ten o'clock; perhaps a little earlier or later.

On cross-examination:

Q. Was there any democratic manager?—A. If there was any I presume I was regarded as that person. I did not call myself either democrat or republican.

Q. Were you designated by the democratic party?—A. I was. I was asked by both sides if I would act.

R. S. BRADWELL.

Sworn to and subscribed before me this 2d March, 1877.

[SEAL.]

E. W. MOISE,
Notary Public.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

THOMAS D. MCLEOD sworn.

Question. Are you a resident of this county?—Answer. I am; of Rafting Creek precinct.

Q. Where were you during the election and for some days previous thereto?—A. I was at Rafting Creek precinct.

Q. If you saw any notices posted in that neighborhood, what were they?—A. About three miles from the polling-place I saw more than one notice posted; this was at Brykin's Depot, in Kershaw County, and adjoining Rafting Creek precinct.

(Objected to as not being in this congressional district.)

Q. Is that the depot where the people of your section ship and receive their merchandise?—A. Yes, it is.

Q. How frequent is the intercourse?—A. Every day.

Q. Did you see any other notice?—A. I had one in my possession within one mile of our precinct.

Q. What was the character of the notice?—A. It read in this way: "We have formed a band of men to whip, four in hand, every colored man who joins the democratic party to death, and after whipping, four in hand, to cut their ears off."

Q. Were the republicans armed?—A. They were, with muskets and shot-guns.

Q. Where?—A. At Rafting Creek.

Q. To whom did you deliver the paper-notice you had in your possession?—A. To Dr. E. J. Rembert.

Cross-examined :

Q. Were all the republicans armed ?—A. I cannot say that they were all armed ; the guns were not counted.

Q. How many did you see armed ?—A. To the best of my knowledge, without having made any count on the spot, about one hundred and fifty muskets and shot guns were there.

Q. How many muskets and shot-guns did you see there ?—A. I did not count what I saw. I only saw one wagon with muskets and shot-guns. I suppose that wagon contained twenty-five.

Q. How many men did you see having muskets and shot-guns upon their persons ?—A. None.

Redirect :

Q. Was there any other company of armed men ?—A. I heard so, but did not see them.

T. D. McLEOD.

Sworn to and subscribed before me this March 2, 1877, in presence of—

[SEAL.]

E. W. MOISE,

Notary Public.

[SEAL.]

FRANK F. TEICHER,

Notary Public.

R. D. LEE being duly sworn.

Question. Where did you reside during the year 1876 ?—Answer. In the town and county of Sumter, continuously.

Q. What was the condition of affairs during that period, and especially during the political campaign ?—A. The county was in a condition of peace and perfect quiet, except the ordinary warmth of a political campaign, but so far as deponent knows there was no condition of domestic violence or of threatened disturbance of the public peace. There was no obstruction or resistance to the ordinary process of the law. The court of general sessions was open the second week in October last, and the criminal-docket unusually light, not a single case, so far as deponent now recollects, growing out of any violence connected with the political campaign then at its height. Deponent does believe that colored men were threatened and intimidated by colored republicans and thereby prevented from voting the democratic ticket, and he bases this statement on what occurred at Lynchburg, where he was addressing a meeting of whites and blacks. A large number of colored men, at least fifteen or twenty, stated publicly that they desired to join and vote with the democratic party, but that they were afraid of their own color, who had threatened to beat and kill them if they did so. Deponent states that in the earlier part of the campaign there were considerable accessions of colored voters to the democratic party, and much interest and good feeling exhibited by them towards the same ; but that for some time before the introduction of United States troops into the county there were threatenings, as deponent is informed, by republican leaders that they would be brought here ; and deponent further states that there was a wide-spread impression through the county, among the ignorant colored people, that these troops were sent here by General Grant to make them vote the republican ticket. This he principally derived from information ; it certainly was a general rumor.

Deponent verily believes that were it not for the needless introduction of United States troops into Sumter County, then in a state of profound peace, and the general impression among the ignorant colored people as

to the purpose of their coming, mistaken though they may have been, and for the persecution and intimidation of colored men by colored republicans, that the county would have been carried in the elections by the democratic nominees; or if by the republicans, by a greatly reduced majority; and deponent is firmly of opinion that the presence of armed United States troops at or near the polls, sent there under the partisan proclamations of President Grant and Governor Chamberlain, destroyed the freedom of said election.

Q. Has there been any registration, as such, of the voters of the State?
—A. None in Sumter County.

Q. Were voters at the recent election restricted to voting in their respective precincts?—A. They were not, for votes were cast at Sumter Court-House by many voters residing in other precincts the county.

(Objection made to so much of the foregoing testimony as is based on information or belief.)

R. D. LEE.

Sworn to and subscribed before me this 2d March, 1877.

[SEAL.]

E. W. MOISE,

Notary Public.

[SEAL.]

FRANK F. TEICHER,

Notary Public.

T. J. TUOMEY sworn.

Question. Are you a resident of the county, and were you here during the last election?—Answer. I was.

Q. Please state who acted as the republican supervisor at the last election and were candidates on the republican ticket.—A. I was one; J. H. Feriter, J. W. Westbury, and R. C. Westbury, and W. J. Andrews were appointed, but don't know whether any served or not; I saw R. C. Westbury at the poll.

Cross-examination:

Q. State, if you can, the total number of white votes and the total number of colored votes cast in this county at the last general election.—A. 1,965 whites, and 4,295 colored votes; total, 6,260.

T. J. TUOMEY.

Sworn to and subscribed to before me this 2d day of March, 1877.

[SEAL.]

FRANK F. TEICHER,

Notary Public.

[SEAL.]

E. W. MOISE,

Notary Public.

JOHN J. DARGAN sworn.

Question. Are you a resident of county, and how long a resident? Were you in the county during the last campaign?—Answer. I have been a resident of Sumter County, and was in the county most of the time during that last campaign.

Q. Was there, at any time preceding the election, any threatened invasion by or actual presence of the public enemy? Was the country in peace and quiet or not?—A. There was no invasion, actual or threatened, of the public enemy to my knowledge, and the country was in a state of peace and quiet.

Q. Was the civil process of the law, preceding and during the election, unobstructed, and at all times capable of being quietly and peaceably enforced by civil officers? Was there any resistance to it what-

ever? Were the courts open and in full operation?—A. The courts were open and in the full and unobstructed exercise of their authority. There was no resistance in this section of the State to civil authority, so far as I could hear after diligent inquiry into the matter.

Q. Were there any disturbances of the public peace at the polls in Sumter County?—A. None at all.

Q. What effect upon the vote of colored voters did the introduction of United States troops have? Did or did not their presence in the county and in the congressional district influence colored voters, and, if so, how influence them?—A. The introduction of United States troops had a decided and obvious influence upon the colored voters from the fact that they very generally believed, under the teachings of their leaders, that the United States troops were brought into the State to force them to vote the republican ticket, and they were the more easily persuaded of this as it was generally known that Mr. Chamberlain, who headed the republican ticket in the State, had frequently sought and finally obtained the introduction of the troops among us.

Q. Was or was not the introduction of United States troops threatened before they were actually brought into the county? If so, who used the threats to bring them, republicans or democrats?—A. The republican leaders were constantly mentioning the fact that troops were coming, as if that would insure their success, and I observed that more frequent reference was made to the coming of the troops whenever there was a more than usual tendency on the part of colored voters to join the democracy.

Q. Was there or was there not in the county a widespread intimidation of colored voters? Were they or were they not afraid to vote the democratic ticket; and, if so, of whom were they afraid, the white or the colored people, democrats or republicans?—A. There was a widespread intimidation of colored voters, who were reasonably afraid of actual and serious bodily harm from republicans of their own race should they co-operate in any way with the democrats.

Q. Give any instances of this you may know of, or any declarations or conversations of colored voters you may know of, showing this.—A. No instances occur to me now except one, when I heard a colored republican say in the presence of a number of colored voters that "if any colored man dared to vote the democratic ticket he (the speaker) went in for killing the last one that did so. We will take them out of their houses and burn them at night," he continued, "before they shall be allowed to vote with the democrats."

Q. Where were United States troops stationed in this county; nearest to what poll, and how near?—A. Nearest to Sumter precinct, the largest polling-precinct in the county. They were stationed about a quarter of a mile from where the voting was done.

Q. Has there been any registration of the voters of this county since 1868, in compliance with the constitutional requirement in this regard?—A. There has been no registration of voters since my residence in the county, December 5, 1873; of what took place in this regard before that time I cannot speak, as I am not informed.

Q. Was the legislature and government in South Carolina, prior to the late election, republican or democratic? How was the administration of the county affairs in the county, republican or democratic?—A. Our State and county government was throughout republican.

Q. Into how many election-precincts is Sumter County divided?—A. Into some 16 or 18, I have been informed and believe.

Q. Can a voter vote in any one of these election-precincts?—A. I

believe the law allows a voter to exercise his pleasure as to what precinct he shall vote at, and I am sure it is the *practice* in this county and all over the State to vote at any precinct in the county of which you are a resident.

(Objection made to so much as is a matter of opinion and hearsay.)

JOHN J. DARGAN cross-examined.

Q. Were you a democratic candidate at the late election?—A. I was a candidate on the democratic ticket for solicitor of this circuit.

Q. You speak of the State and county government as having been entirely republican; is it not a fact of public notoriety that two of the circuit judges stumped the State for Hampton?—A. Yes.

Redirect:

Q. What two judges did you refer to?—A. Judges Mackey and Cooke.

Q. Are they republicans or democrats?—A. They declared themselves almost everywhere on the stump to be republicans, advocating Hayes and Hampton.

J. J. DARGAN.

Sworn to and subscribed before us this 3d day of March, A. D. 1877.
[SEAL.] E. W. MOISE,

Notary Public.

[SEAL.]

FRANK F. TEICHER,

Notary Public.

R. J. BROWNFIELD sworn.

Question. Are you a citizen of the county?—Answer. I am.

Q. Of what election-precinct are you a resident?—A. Of Providence.

Q. Were you there on the day of election?—A. I was one of the managers.

Q. How were the votes counted at Providence?—A. We assorted the tickets, and all supposed to be the radical tickets, the red ones, were put into one pile; the black ones, supposed to be the democratic tickets, were placed into another pile, and the mixed or scratched tickets into another. They were then counted, and the poll-list verified.

Q. Were the names of the candidates voted for on the several tickets all read out, in order to ascertain who were voted for?—A. All the red tickets except two were counted for every name upon the republican ticket. The two tickets alluded to were one red and the other a black ticket, and these two had the name of J. W. Westbury in place of J. H. Westbury, as was printed on the red ticket; and the black tickets, except the one alluded to, were counted for the democratic candidates; and the scratched tickets were read off and scored for the names which appeared on them.

Q. Then, do I understand you, the names were not read out on the red and black tickets, except the scratched ones?—A. They were not, according to my recollection.

Q. Was the person who acted as clerk at that precinct sworn?—A. He was not; I acted as clerk, and was not sworn. As a manager, I took an oath in Sumter the day before.

Q. In administering the oath to the voters, were they sworn single or several at a time?—A. About five were sworn, or as many as I could see in the door were sworn at a time; afterward they swore three at the time, as I found it difficult to write down so many names. Some were considered sworn that were not in the door.

Q. Was the oath administered by the chairman the oath prescribed by law?—A. He did not repeat the oath as prescribed by law, and seeing that he failed to administer the proper oath, I occasionally administered the oath to the voters.

Cross-examination:

Q. In stating the mode of counting the votes, do you mean to say that any ballots were counted for the republican candidates to which they were not entitled?—A. No.

Redirect:

Q. Can you state positively, without having read over the names on the ticket, that no name was on any ticket that was not scored?—A. I could not so swear, but my belief is that no candidate was credited with any vote he did not get.

R. I. BROWNFIELD.

Sworn and subscribed to before me this 3d day of March, 1877.

[SEAL.]

FRANK F. TEICHER,

Notary Public.

[SEAL.]

E. W. MOISE,

Notary Public.

D. A. FOXWORTH sworn.

Question. Are you a resident of the county, and were you during the last election?—Answer. I was.

Q. Was there, or was there not, a widespread intimidation in this county over the colored voters; and, if so, who was the intimidation exerted by?—A. Exerted principally by the radical leaders and the black.

Q. Were, or were not, the colored people actually afraid to vote the democratic ticket?—A. Some of them were. Some who voted with the democratic party before were afraid to do so this time, and staid at home.

(Objected to.)

Q. What were they afraid of?—A. Afraid of the threats made by the colored people.

Q. What were those threats?—A. Various threats. Threatened to be murdered, mobbed, burned out, and some were badly beaten; wives threatened to quit their husbands if they voted the democratic ticket; in one instance, a woman who formerly belonged to me, her son desired to join the democratic party, and she threatened to cut his throat. Six men on my place desired to vote the democratic ticket, but did not vote at all on account of the threats made.

(Objected to as a matter of opinion.)

Q. Did, or did not, the presence of the United States troops exert an influence adverse to the success of the democratic ticket?—A. I am satisfied it did.

(Objected to as an opinion.)

Q. If the troops had not been introduced into the State and into this county, what would have been the result of the election in this county?—A. I think this county would have been carried by the democrats.

(Objected to as opinion.)

Q. Would that result have been achieved quietly and peaceably, and without interfering with the free right of suffrage?—A. In my judgment it would have been carried quietly and peaceably and without interference of the free right of suffrage.

(Objected to as opinion.)

Cross-examination :

Q. Is it not a fact that more colored people voted the democratic ticket at the last election than ever before ?—A. I think they did in the State, and perhaps in the county.

Q. Did you hear these threats you speak of, or do you only testify from rumor ?—A. I heard some myself; heard one woman say she would cut her son's throat if he joined the democratic party, and heard two women say they would not live with their husbands if they voted the democratic ticket; the rest of the threats is from hearsay.

Redirect :

Q. You stated as your opinion that more colored people voted the democratic ticket in the State and county than ever before; is it not a fact that there never was a democratic ticket since reconstruction ?—A. The first time the democratic ticket has ever been before the people since reconstruction.

Q. What did you mean by saying that some who had voted the "democratic ticket before" ?—A. I mean who had voted with the whites.

(Objected to as not being in reply.)

Q. State in what way the threats of burning, murdering, and mobbing those colored men who voted the democratic ticket came to your knowledge.—A. I heard the colored people converse on the subject, and they even said if such and such persons, naming them, would join the democrats they would be burned out, murdered, mobbed, &c.

D. A. FOXWORTH.

Sworn to and subscribed to before me this 3d day of March, 1877.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

[SEAL.]

E. W. MOISE,
Notary Public.

SIDNEY W. DICK (colored) sworn.

Question. Are you a minister of the gospel ?—Answer. I am.

Q. Are you a resident and a voter in this county ?—A. I am.

Q. What party did you belong to during the last campaign ?—A. The democratic party.

Q. What churches were you accustomed to preach at ?—A. St. John's and Shephard's Shed Methodist Episcopal church.

Q. Was anything done to you by these congregations? If so, state what it was, and why it was done.—A. I went to church Sunday in October, went to the pulpit at 11 o'clock a. m. The leader called out of the pulpit, out-doors, and asked me if I was going to vote with the democrats. I told him yes, I was going to vote for Hampton and for every man on the ticket. I never voted for Chamberlain in my life. Then Alferry Sanders, a member of the same congregation and a school-teacher, said if I would vote for Hampton that I should not preach for these people, and they should not admit me into the pulpit. Upon this the trustees called a meeting for consultation, and voted upon it in the church that I should not preach at all, and they never have since allowed me to preach.

Q. Were any threats made against you for joining the democratic party? If so, state them.—A. Four women met me on the streets, and told me that the men would whip me. Numbers of persons I met on

the highway threatened to whip me, but I did not pay any attention to them, and I went on.

SIDNEY W. DICK.

Sworn to and subscribed to before me this 3d day of March, 1877.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

[SEAL.]

E. W. MOISE,
Notary Public.

THE STATE OF SOUTH CAROLINA,

County of Sumter :

This may certify that we, Edwin W. Moise and Frank F. Teicher, notaries public, and authorized by law to take testimony, being named by John S. Richardson, contestant, and by Joseph H. Rainey, contestee, have taken the accompanying testimony in accordance with the notices, subpoenas, and further notices furnished us, and herewith sent. That the witnesses were severally sworn and examined in the presence of the parties or their duly-authorized representatives, and we herewith transmit 268 pages of such testimony so taken.

In witness whereof we have hereunto set our hands and affixed our seals this 14th day of March, A. D. 1877.

[SEAL.]

E. W. MOISE,
Notary Public.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

DEPOSITIONS TAKEN AT GEORGETOWN, GEORGETOWN CO., S. C.

No. 8.

Notice to take testimony.

JOHN S. RICHARDSON, CONTESTANT,	} Contested election.
<i>vs.</i>	
JOSEPH H. RAINEY, CONTESTEE.	

STATE OF SOUTH CAROLINA,

First Congressional District:

To Hon. JOSEPH H. RAINEY, *Washington, D. C.:*

You will take notice that on the 26th day of February instant, and from day to day thereafter, at Georgetown, Georgetown County, S. C., before R. Lovat Fraser, esq., notary public, I shall proceed to take testimony to be read and used as evidence in the above-entitled cause, and will examine the following-named persons, all residents of Georgetown County, to wit: Hon. Richard Dozier, R. E. Fraser, J. H. Detyous, P. E. Broznell, Yancy M. Flood, F. L. Frost, Thomas Ford, Arthur Middleton, Moses Guthers, Job Mazyck, S. S. Fraser, Jno. W. Tarbox, Jno. A. Jackson, William Ford, Lunnun Green, Thos. E. Rhodes, Wm. Munnerlyn, Eli Havard, Primus Moultrie, Cuffee Boatwright, R. L. Fraser, R. E. Braswell, J. Harleston Reed, Antram Chandler, Jenkins Brown, S. E. Barnwell, Alex. Lewis, Peter S. Brown, Charles Phillip, Elijah Holman, Henry Smith, Jim Howard, Isaac Singleton, Charles Grant, Henry Smith, Blair Anderson, W. A. Johnson, Charles Addison, Charles

Sperry, Russel Green, W. C. Palmer, Charles Mikel, Toby Kinloch, F. W. Macusker, W. H. Jones, George S. Paroley, W. S. Croft, Ned Green, Charles Jackson, ——— Beamer, R. M. Heriot, Sam Gathers, Lemon Green, Edw'd Lawrence, Peter Woodberry, A. P. Jordan, Joseph C. Dawley, Moses Britton, Benj. Tamlin.

Respectfully,

J. S. RICHARDSON.

SUMTER, S. C., *February 7, 1877.*

DISTRICT OF COLUMBIA,

County of Washington, ss:

Montgomery Blair, being sworn, on his oath saith that he served the within notice on the contestee therein named, at his house in the city of Washington, by delivering him a copy thereof, this, the 17th February, 1877.

MONTGOMERY BLAIR.

Subscribed and sworn before me the date above written.

[SEAL.]

A. S. TAYLOR, J. P.

Notice to take additional testimony.

JOHN S. RICHARDSON, CONTESTANT,

vs.

JOSEPH H. RAINEY, CONTESTEE.

} Contested election.

STATE OF SOUTH CAROLINA,

First Congressional District :

To JOSEPH H. RAINEY, *Washington, D. C.*, or his attorney, SAMUEL T. ATKINSON, *Georgetown, S. C.*

You will take notice that, on the 26th day of February, instant, and from day to day thereafter, at Georgetown, Georgetown County, S. C., before R. Lovat Fraser, esq., notary public, I shall proceed to take testimony (additional) to be read and used as evidence in the above-entitled cause, and will examine the following-named persons, all residents of Georgetown County, to wit: R. H. Kellahan, D. J. Wilson, D. H. Smith, Ben Alleton, William S. Collins, Jerry White, H. T. McDonald.

On Friday, 2d March, 1877, the following additional witnesses will be examined: Dave Woodward, William Riley, and Samuel Garland.

Respectfully,

R. DOZIN,

Attorney for Richardson,

to examine witnesses in Georgetown County.

STATE OF SOUTH CAROLINA,

Georgetown County :

John White, being sworn, on his oath says that he served the within notice on Samuel T. Atkinson, attorney for the contestee named therein,

at his house in the town of Georgetown, S. C., by delivering him a copy thereof on the 24th day of February, A. D. 1877.

(The words "a copy of" on the fifth line being first erased.)

J. WHITE.

Subscribed and sworn to before the day of the date above written.

R. E. FRASER,
Notary Public.

Personally appeared F. W. Macusker and made oath that he served upon S. T. Atkinson, attorney for J. H. Raney, a notice of the examination of the additional witnesses: Dave Woodward, William Riley, and Samuel Garland, by handing the same to him personally. In my presence this 28th day of February, A. D. 1877.

F. W. MACUSKER.

The State of South Carolina to J. M. Lesesne, the sheriff of Georgetown County, of the said State, greeting:

You are hereby commanded, without delay, to summon William Ford, Antram Chandler, Yancy M. Flood, Simon Green, Jenkins Brown, Thomas Ford, William Munnerlyn, Peter S. Brown, Moses Gathers, Primus Moultrie, Charles Philips, Job Mozyek, Cuffee Boatwright, Elijah Holman, R. M. Harriot, Jim Howard, Charles Mikel, Sam Gathers, Isaac Singleton, Toby Kinlock, Lemon Green, Charles Grant, W. H. Jones, George H. Pareley, A. P. Jordan, W. C. Palmer, Henry Smith, S. E. Barnwell, Arthur Middleton, W. A. Johnson, J. C. Dawley, Charles Addison, Charles Jackson, Benjamin Tomlin, Moses Britton, W. R. Beamer, Charles Sperry, Russell Green, Jerry White, William S. Collins, D. J. Wilson, T. E. Rhodes, Ned Lawrence, D. H. Smith, R. H. Killahan, H. T. McDonald, Benjamin Alston, wheresoever they may be found within your county, so that you compel them to be and appear before me at the examination to be holden at my office for the county of Georgetown, on the 28th day of February, A. D. 1877, to give evidence in the contested congressional-election case of John S. Richardson *vs.* J. H. Rainy.

And have you this writ before me immediately after the service thereof.

Witness my hand and seal at Georgetown, S. C., the 24th day of February, in the year of our Lord one thousand eight hundred and seventy-seven, and in the one hundred and first year of the sovereignty and Independence of the United States of America.

[SEAL.]

R. L. FRASER,
Notary Public.

In my own person, and by my deputies, on the 24th, 26th, and 27th days of February, 1877, I exhibited this writ and delivered a subpoena ticket conformable thereto, to the within-named H. T. McDonall, Sam Gethars, Moses Gethars, Primous Moultrie, Isaac Singleton, Jerry White, Jenkins Brown, S. E. Barnwell, Henry Smith, Charles Mickel, Thomas Ford, Peter S. Brown, Charles Philips, Jim Howard, Cuffey Boatright, London Green, Charles Grant, Toby Kinlock, Arthur Middleton, W. S. Collins, Moses Briton, W. R. Beamer, Charles Aderson, Ben Allston, C. H. Sperry, J. D. Wilson, J. C. Dawley, W. A. Johnson, W.

H. Jones, Job Mazyck, R. M. Harriot, William Munnerlyn, T. E. Rhodes, D. H. Smith, R. H. Kallahan.

Non est.—Yancey M. Flood, Antram Chanderler, Eliza Holman, William Ford, Charles Jackson, A. P. Jordan, Russell Green, Simon Green, Benjamin Tomlin, W. C. Palmer, George Pawley.

J. M. LESESNE,
Sh'ff, &c.

STATE OF SOUTH CAROLINA,
Georgetown County:

William S. Collins, a special deputy appointed by me to summons June Woodward and Sam Garland to appear before me at an examination to be held in my office on March 2, 1877, for the purpose of taking testimony in the contested-election case of John S. Richardson *vs.* J. H. Rainey, did this day appear before me, and being duly sworn, made the following deposition, to wit:

That he duly summoned the said parties according to the exigency of the writ; that at the time of serving June Woodward, Abram Garland, a republican leader in that section of the county, advised the said June Woodward to pay no attention to the summons, as it was not worth the paper it was written on. The summons upon June Woodward was served personally upon him about 10 o'clock on March 1st, 1877, at Yahaney Ferry, Pee Dee, in this county.

W. S. COLLINS.

Sworn to before me this 3d day March, 1877.

R. L. FRASER,
Notary Public.

STATE OF SOUTH CAROLINA,
Georgetown County, First Congressional District:

JOHN S. RICHARDSON }
vs. } Contested election.
JOSEPH H. RAINEY. }

FEBRUARY 26, 1877.

Before me, R. Lovat Fraser, notary public in and for the State of South Carolina, duly commissioned and sworn, personally appeared the persons whose names are mentioned below consecutively, each of whom being duly sworn separately, testified to the facts stated below as written above their respective signatures.

JOSEPH C. DAWLEY.

Was at Georgetown poll on election-day, and voted there. Was in the county previous to election. Had seen the President's and governor's proclamations in regard to disbanding the rifle-clubs.

Cross-examination:

This witness, not proving anything relevant, was discharged.

R. M. HARRIOT, colored, being duly sworn, testified as follows:

Resides in Georgetown County, and was residing there at the last election. Was engaged in canvassing the county; was a candidate on the republican ticket. Early in the morning went to the Santee poll, before it opened, and remained there until about 8 o'clock a. m. Went to this poll to advocate Chamberlain and himself for election—

himself for the State house of representatives. Distributed the Jones ticket, but the people would not allow them distributed. Saw a great deal of fuss and noise going on at the poll. The excited crowd would not allow one voter and others to vote for this deponent. These votes were taken away and torn up. He saw that his remaining there would cause a fuss, since the general manner of the crowd was threatening, and so he left the poll, fearing a disturbance. This excited crowd did not allow the voters to vote as they pleased. In a violent manner this crowd would not allow any of the voters to take tickets from this deponent. They would not even allow him to paste a slip containing his own name over any one on the regular republican tickets; but, in an excited manner, would let him have nothing to do with the tickets.

He did not vote at this poll, because he did not believe he would be allowed to vote as he pleased. These parties were advocating the ticket upon which J. H. Rainey was a candidate. They were determined that no other ticket should be voted at the Santee poll.

Saw Joseph Burt at the poll, who would meet the people as they came to the poll. Burt was the distributor of the tickets at the Santee poll. These tickets were given to him for distribution by the county chairman, who was Joseph H. Rainey. These tickets had some of the printed names scratched out, and J. A. Bowly's name substituted in Bowly's own handwriting.

Deponent gave a large number of tickets to a large number of voters. He saw many of these tickets torn up. Henry Smith told him there was no use to distribute his tickets for they would be torn up. Deponent swears that he attended the poll at the Santee precinct on the 7th November last; that he at that time met voters who were willing to vote for him, and who proposed to allow him to substitute names on the tickets. He changed several tickets, but the crowd around would not allow the voters to take back the tickets from him. The manner of this crowd was very boisterous and rough. Did not think it safe for him to remain at this poll; thought it best to go away. After this, went away and offered voters whom he met other tickets; these tickets were taken away from them by one of the same boisterous party.

Began canvassing this county before Federal troops were brought to the State. In the course of the canvass met several colored men who had been republicans speak of joining the democratic party. Never heard them say as to what effect the coming of the United States troops had upon this design. He heard some of the people say that troops ought to be sent to the county. He replied that there was no necessity for it. He did not observe any difference in the inclinations of the people from what their opinions were before and after the troops were brought to the State. He told the colored people that the United States troops would protect them and allow them to vote as they pleased. He told the people on the stump that there would be United States troops sent to every county of the State for the protection of the colored people if needed. He advocated the election of Joseph H. Rainey for Congress.

Cross-examination:

That at the Santee poll there was at first one *red* ticket, the republican ticket, until about seven o'clock, when there appeared a *red* democratic ticket. There were two packages, in different parties' hands, of these *red* democratic tickets. That one set of these tickets, the *red* democratic ticket, was not exactly similar to the *red* republican ticket. The letters on the democratic tickets were finer, and the red printer's

ink was of a lighter color. He thought one who could not read and write could not detect the difference between these two sets of tickets.

That the opposition to him and W. H. Jones at this poll was manipulated solely by the voters of the republican party. He saw colored democratic voters who were stopped by republicans and not allowed to vote.

In the early part of the campaign he, this opponent, was opposed to W. H. Jones, and electioneered against him on Santee. About two or three weeks before the election his opposition to Jones ceased.

There was a report that Jones had gone over to the democrats, and when he, a republican, carried Jones's tickets to this poll, the people kicked up a fuss because he, the deponent, had what they thought the democratic or Jones tickets for distribution. He saw Alex. Louis and Brownfield have the *red* democratic tickets. These men were colored. He did not tell the people that the troops in the upper counties were carried there to enable them to vote illegally; he told them that there were no troops needed in Georgetown, but that if needed they would be brought down to protect them in voting.

Redirect examination :

Alex. Louis and Brownfield, who had the *red* republican tickets, were not allowed by the crowd around the poll to distribute these tickets. That he saw three men slip in and vote these tickets.

R. W. HARRIOT.

Sworn to before me this 26th day of February, A. D. 1877.

R. L. FRASER,
Notary Public.

ELI HOWARD, colored, testified as follows, after being duly sworn :

That he knows Joseph Bush, who lives on Santee. He was a candidate for county commissioner on the republican ticket. Saw Joseph Bush several times in Georgetown before election-day. Heard him say just before the election, while speaking to a large crowd, that if any one was damned fool enough to carry democratic tickets to the Santee poll he would be killed. Previous to this he, Joseph Bush, told this deponent that he could control the Santee poll and make the people do whatever he said; that the people would do whatever he told them. He explained to the deponent that on one occasion he had quieted a riotous crowd on Santee, and thus he believed he had entire control over the people there.

Cross-examination :

That Joe Bush was speaking to the crowd in front of S. R. Cavis's store, when he made those remarks about carrying democratic tickets to the Santee poll. He did not stop to identify any person in this crowd. His personal interview with Joe Bush took place some three or four weeks prior. No other person was present. Deponent testifies that he was a republican at that time and is not so now.

Re-direct :

After what he had heard from Jas. Bush, he, the deponent, would not have dared to go to the Santee poll to vote the democratic ticket.

He heard generally talked about that colored men who voted the democratic ticket were not fit to live, and that preachers had said they were not fit to be members of the church. If he had voted the democratic ticket he would have been afraid to let it be known. Was in

town when John S. Richardson attempted to speak to a crowd, and was prevented from speaking by a crowd, of which Harvey Jones appeared to be the leader. Harvey was candidate for county commissioner on the republican ticket.

This crowd would not allow a democratic colored man to speak, some of them saying that no colored democrat should speak to them.

Postmaster E. C. Rainey was also with the crowd led by Harvey Jones.

He, the deponent, wanted with others to hear Richardson speak, but the crowd would not allow of it; and so the speakers were prevented from speaking.

Has never heard one say that he was afraid to join the democratic club. He is a man that stays in the town and never goes out in the country.

Cross-examination:

This disturbance alluded to, when John S. Richardson was prevented from speaking, was more than a week previous to election-day. Saw no disturbance like this on the day of election. Saw nobody prevented from voting at the election. He heard that the democrats had said that no one who was true to the democratic party would vote the republican ticket.

Knows of no one who was prevented from voting by force or threats of bodily harm.

his
ELI + HOWARD.
mark.

Sworn to before me this 26th day of February, A. D. 1877.

R. L. FRASER,
Notary Public.

CHARLES H. SPERRY, colored, being duly sworn, testified that he took a conspicuous part in the late campaign. Did not hear any one say that troops would be sent here to see that the people voted the republican ticket. It was his opinion that the troops sent to the State were intended for the protection of the voters, to allow them to vote as they pleased.

He knows that among the colored people there is a great respect for the military part of the United States Government, and that they will generally obey whatever commands come from the Government, as represented to them through their leaders. He thinks that, as a matter of course, the presence of the United States troops in the State did assist the republican side of the canvass.

He had heard it generally asserted that the rifle-clubs had been disbanded. He knows of many men who wanted to vote the democratic ticket, but who were afraid to do so for fear of being ostracized.

He thinks the presence of the United States troops in the State created an impression upon the minds of the colored people that they would be protected in voting the republican ticket, and that no protection would be afforded those who voted the democratic ticket. He thinks this impression had a tendency to advance the cause of Joseph H. Rainey at the election.

Does not know that any person was prevented from voting.

The impression prevailed among the people that they must vote as Governor Chamberlain wished, and that he had disbanded the rifle-clubs, while the colored militia was sustained.

Deponent supposes that this action of the governor, in disbanding the rifle clubs, was done for a political purpose.

(Counsel for contestee objects to this as a matter of supposition or opinion, and not admissible as evidence.)

The impression among the republicans was that these rifle clubs had been formed for the purpose of intimidating the voters, and that the governor had disbanded them and sustained the militia for the purpose of bolstering up the political sentiments of the colored people.

Was at the Sawpit poll on election-day. Had intended to go to the Santee poll, but was afraid that a job would have been put up on him there; that it was said on Santee that he had changed to a democrat, and that if he went there he would be whipped. Fearing personal harm at Santee poll, he changed his intention and went to the Sawpit poll.

At the Sawpit poll he saw a man who wanted to vote the Jones ticket. When this man was going to the poll he was stopped by two men who examined his ticket, and finally took the ticket from him, and would not allow him to vote unless he voted another ticket, the *red* republican ticket. He did not vote until late in the day, when the crowd around the polls was small, and then he voted. A great many of the people at this poll did not vote as they wished.

That he was deterred from going to the Santee poll because he did not advocate the *red* republican ticket. He thinks that the determination of the voters at the Santee poll was that no one should vote other than the straight-out republican ticket at that poll. This deponent gets this impression from conversation with persons who had been at the Santee poll on the election-day (objected to as hearsay by contestee) and from the voters themselves who voted at that poll on that day.

This conversation was had after election-day. They said they would have had trouble had they voted any other ticket but the straight-out *red* republican ticket. Was once a member of the legislature. Does not recollect anything about the registration bill having been brought before the legislature.

That just before the election he went up to Harveyville in the interest of the Jones faction. That the people about there thought the Jones faction was democratic, and consequently would not allow deponent to speak freely. The people there were much incensed against him, and he would not have dared to go there on election-day. He thinks if he had gone there he would have received personal injury. This was also the situation in other parts of the county.

He knows from the conduct of the people at the different places in the county, evidenced against the faction he was supporting, was such that he would not have been allowed free speech there. This was in the neighborhood of Brown's Ferry. He thinks the regular republican ticket ran ahead of the others at this poll.

It was reported on the election-day and before that there would be no poll at Brown's Ferry, and that it would be broken up by a failure in the managers to qualify and to organize legally. For this reason many of the voters from Brown's Ferry came over to the Sawpit poll, fearing that their votes would be lost if they voted at Brown's Ferry.

He knows a man named R. M. Harriot, who had made an affidavit that a plan was on foot to break up the poll at Brown's Ferry by creating an illegal formation of the board of managers at that poll; and he knows there was some talk on election-day of breaking up this poll. This was a general rumor on the day of election.

R. M. Harriot told him of these facts to put him on his guard as to

the contemplated frauds at Brown's Ferry. He, the deponent, advised Harriot to make an affidavit of these facts.

(The contestee objects to the competency of this testimony, as being hearsay, in regard to his details of Harriot's statements to him.)

Harriot was at first working with the faction in which J. H. Rainey was a candidate, and afterwards joined the opposite faction.

Cross-examination :

Harriot was the only person who gave him direct information before the election concerning the breaking up of the poll on Black River.

On the day of the election, at Sawpit, he heard from several voters that one of the managers had not qualified at the Black River poll, thus confirming Harriot's statement. Cannot specify by name any one of these parties particularly. Of his own knowledge he does not know of any failure of a manager in Black River to qualify; does not know of any particular person who was prevented from voting on Santee, because he was not at that poll.

He held no public office on election-day.

The people feared, generally, that they would not be allowed to vote as they pleased, and that the United States troops being sent here would maintain them in voting as they pleased.

C. H. SPERRY.

Sworn to before me this 27th day of February, A. D. 1877.

B. L. FRASER,
Notary Public.

J. A. JACKSON, (colored,) being duly sworn, testified :

Was in the town of Georgetown subsequent to the elections. On the day of the election was standing at his house-door; saw a man coming from the county, who told him something about a ballot-box having been carried to the house of J. Harvey Jones. He then stepped in the street and watched Jones's house; that in consequence of this information he suspected that one of the precinct-boxes was in this house. He watched the gate, therefore, for one hour and eleven minutes before it came out. He had sent a message to D. J. Wilson, one of the commissioners of elections, that he believed the box was in the house of J. Harvey Jones, and he had better go and see after it. That some time afterwards D. J. Wilson did come by and go into Harvey Jones' house, and shortly afterwards Wilson came out with the manager and the box, and went on towards the court-house. Did not see the box closely. Does not remember that the board of canvassers was at that time in session. Was engaged actively in the last canvass on the side of reform, or democratic. He found the chief difficulty in persuading the people to join his party was that they had been persuaded that they would be put back into slavery if they voted with the democrats. The impression was strong among the people that the republican party had freed them, and if they deserted it they would have violated their oath to the Union League, and would, consequently, be put back into slavery. The idea was that the republican leaders were the eyes of the people, and that they must follow their direction. In furtherance of this idea, it was the impression that Governor Chamberlain, as their leader, would afford protection to them as republicans and none to the white voters. On one occasion, when the United States revenue-cutter came to Georgetown, some of the republicans said to deponent, "What will become of you colored democrats now? The cutter has come up here to protect us."

It was supposed that the disbanding of the rifle-clubs would operate in such a manner as to secure protection from colored democrats, while the colored republicans would be afforded every protection by the United States troops.

In the course of the canvass, went to several polls of the county. Was prohibited from going to Santee and Bowbicket, and threatened with his life if he went there. His life was threatened in Waccamaw, so that he was compelled to seek protection and use stratagem to escape. One man told him "He would not allow any d—d democrat to come in that part of the county; that such a one would have to lose his blood there if he ever attempted it." Was frequently threatened with his life.

He knows there was considerable ostracising of those who were democrats; and the threats of violence to him were such that he was prohibited from traveling and making speeches to the people. He thinks that if the troops had been brought into this State for peace and the true protection of the voter, that it was essential to have some of them in Georgetown to enable the democratic colored voters to vote as they pleased. He knows there was an application made for troops to protect the colored people who wanted to vote the reform ticket. This effort was unsuccessful.

He remembers when John S. Richardson was canvassing the county; was present when he attempted to address the people at a mass-meeting. He was frequently interrupted by a noisy mob, who acted in such a manner as would demons of hell. He compared the scene to the wilds of Africa. Fiendish howls and abrupt questions to the speaker were beyond description. This behavior compelled Mr. Richardson to give up the effort. J. Harvey Jones appeared to be the leader of this riotous mob. On this same occasion a colored gentleman, named Hutchins, attempted to address the people in behalf of the democrats, but was not allowed. He was not allowed to speak at all. He was led to believe that this behavior had been the result of a concocted plan on the part of the republican leaders to interrupt free speech.

At some of the polls he would not have dared to go on election-day. His life was threatened. Does not think any man would have dared to carry democratic tickets to these polls. The threats were so great and violent against colored democrats as to make them fear to act or vote freely.

The deponent says he is now shunned and ostracised by the republicans because he voted and acted according to the dictates of his own conscience. He believes the noisy disturbance at the meeting at which Mr. Richardson attempted to speak was created by the friends of Joseph H. Rainey. He believes that bodily harm might have resulted to the democrat speakers on this occasion.

He knows there were threats held out by the church by a preacher against democratic voters. They were told that the public schools would be closed up; that in other parts of the country wives had split the heads of their husbands open, and they might do it here. Such language from the pulpit had an influence upon the minds of the people greater, after the disbandment of the rifle-clubs and the arriving of United States troops, than before.

He knows, of his own knowledge, of colored men who had told him, "If they voted the democratic ticket they would not dare to go to their wives," and two men told him that "if they voted it they knew they would never see their homes alive." He knows some eight or ten men

who said that they would not join the democratic clubs, but would vote the democratic ticket, if they could do so without its being known.

B. H. Williams was candidate on the straight republican ticket for State senator. He was presiding elder in the A. M. E. Church, presiding over the district including all of Georgetown, Horry, and part of Williamsburg Counties.

That previous to the election, at several public meetings, he saw the republicans as a general thing armed with guns. At one meeting, on Pee Dee, saw nearly every republican present armed.

Cross-examination :

He knows now that the man whom he saw carrying the box into J. Harvey Jones's house was a manager at Brown's Ferry poll. Did not examine the box, but inferred it was a ballot-box from it having been in the possession of a manager, and afterward brought out of the house by D. J. Wilson, a commissioner of election. This was the day after the election, between 9 and 10 a. m. Does not know at what particular time the box was carried into this house. Only knows that he watched the house for about one hour and eleven minutes after his suspicions had been aroused. Does not know that particular box again. Does not know the condition of J. H. Jones's health at this time, but heard that he was sick on that day. Does not know that the box was ever out of the hands of the manager. Does know that Jones was well enough to go to the court-house and vote on election-day. Does not remember any of the names of the parties who had been prevented from joining the democratic club, nor the names of any of the parties who had threatened him personally. Does not know who was clerk at the Black River poll.

He knows that application had been made for United States troops to protect the colored democratic voter, because he was one of the colored democrats who had signed the application to General Ruger for such troops. Cannot mention the name of any one that he heard say that the disbanding of the rifle-clubs was for the protection of the republican ticket, but he heard it generally throughout the county. Cannot mention any particular name of an individual from whom he gathered his opinion of the impression of the colored people concerning their leaders being the eyes of the people. Took no steps to have those who threatened him prosecuted. He knew these threatening parties to be republicans, because they had asserted the fact.

J. A. JACKSON.

Sworn to before me this 27th day of February, A. D. 1877.

R. L. FRASER,
Notary Public.

F. W. McCUSKER testifies, after being duly sworn, that, as being a candidate on the democratic ticket for school commissioner, he met a portion of the candidates on the State democratic ticket near Waverly Mills, in Waccamaw, who were to address the people in mass-meeting. It was a respectable gathering of white and colored. The meeting was called to order, and several of his party had addressed the people without interruption, when W. R. Beamer, a colored candidate for county commissioner, took the stand. Then a number of colored persons became very much excited, approached the stand, and interrupted the speaker. They behaved so violently and in such a threatening manner that he was forced to discontinue. One man had a sword in a wooden

case, or something that appeared such. This man was a captain in a militia company, who told Beamer he need not attempt to speak to the crowd, they would not listen to him, for he was a traitor to his cause; and while they would listen to a white democrat, they would hear nothing from a colored democrat who was a traitor to his color and cause. This conduct was indorsed by several other colored men at the meeting, who were armed with sticks and cudgels. Believes it was only the presence there of a large number of white people that saved W. R. Beamer from bodily harm.

The next meeting was at Brook Green, the following day. Beamer was allowed to speak there until one of the colored men belonging to the plantation there got up and attempted to speak in favor of the reform movement. He was soon obliged by the noisy and boisterous manner of the crowd to discontinue. The chairman appealed in vain to the crowd to keep quiet and listen. The people only became more violent. He then called upon the Rev. James Small, who finally succeeded in getting them quiet.

At one meeting on Waccamaw, S. B. Gibson, the republican candidate for school commissioner, spoke to the people in a most incendiary and exciting manner; to such an extent that he created a considerable disturbance among the colored people, evidenced by the firing of guns and pistols.

The next appointment was at the court-house in Georgetown. Saw a colored man attempt to address the people from the court-house portico, but the crowd was so boisterous and riotous that he could not be heard at all. This man's name was Hutchins, a colored democrat, who was speaking in favor of reform. He heard from the crowd calls for Richardson, and the expression, "We don't want to hear from no d—d carpet-bagger." They would not allow Hutchins to speak. Peter Woodbury addressed them, and asked them to keep order, and let Mr. Richardson speak. After order was partially restored, Mr. Richardson began to speak; spoke about 15 minutes without interruption, when the noise and confusion began anew. Questions were put to him so fast, and the confusion became so great, that he was prevented from speaking further before he was half through. It seemed to be the set purpose of this party to deny him free speech. There was quite a commotion in this crowd, which finally broke up in a row. Learned afterwards that one man had been stabbed and another knocked down. He thought that at this time the town was threatened with a serious riot, which was prevented only by the forbearance of the whites.

It had been arranged in the programme of the canvass that the democrats should have one meeting at Santee; but from advice given by some of the citizens residing on Santee (General Manigault, and others) did not go there. Thought evil would arise from it. That the people there looked upon the democrats as their worst enemies, and would not have hesitated to use violence, at the instance of their leaders. Was informed that Joseph Bush had a crowd of roughs who were ready to do his bidding, and were eager and ready for a fray.

(Objected to by contestee as hearsay.)

On this account did not have the meeting, as previously arranged.

The next appointment was at Sampit. On the same day the republicans had a meeting in Georgetown, at the court-house. On the way to Sampit Bridge, met squads of colored men coming to town, nearly all of whom were armed. This had the effect of leading several of his party to apprehend danger on their return, and fearing an ambush, they were compelled to break up the Sampit meeting, and return to town before

night. Was not interrupted, however, on the return to town. This feeling of apprehension was particularly felt by the colored democrats in the party with deponent on that occasion. They feared personal violence to themselves from the armed republicans who had been seen going to town in the forenoon.

At the Brook Green poll, on election-day, deponent saw an old colored man, who had voted the democratic ticket, who, after voting, was severely upbraided in harsh terms by some of the republicans. This language was such as to have the effect of intimidating other colored men who might have desired to vote the democratic ticket.

Cross-examination :

Could not say that the shooting at the meeting on Waccamaw was at any person or persons. Does not know whether the guns were shot-
ted or not.

F. W. MACUSKER.

Sworn to before me this 27th day of February, 1877.

R. L. FRASER,
Notary Public.

HENRY T. McDONALD, being duly sworn, testified : Was in Georgetown County on last election ; on that day first went to Brown's Ferry poll, and then to the Sampit poll. The reason he left the Brown's Ferry poll was that he had heard that one of the managers at that poll had not qualified, and he preferred to vote at a poll where he knew the board of managers had been properly organized. He knows that R. H. Kellahan and William Vereen were two of the managers at Brown's Ferry, but does not know the name of the third manager. He got the information that the managers had not qualified from R. H. Kellahan, one of the managers, who told him of the fact ; was satisfied of the irregular formation of the board, and therefore he left that poll. He knows of several voters who did not vote at that poll for the same reason ; did not remain at the Brown's Ferry poll more than a half an hour. Everything was quiet at that time at this poll. He was pretty generally in the Black River part of the county during the campaign ; does not recollect any one's saying they feared personal violence on account of political beliefs, but heard fears of being ostracised expressed by some colored persons who wished to vote the democratic ticket.

Cross-examination :

Does not know the names of any persons who were prevented from voting at any of the polls that he attended.

Did not hear from the manager who did not qualify that he had not qualified ; but heard it from another of the managers, named R. H. Kellahan. Was a candidate on the democratic ticket for county commissioner ; knows of no instance of actual ostracism of any colored voter for voting the democratic ticket. Of his own knowledge does not know in what respect the manager who had failed to qualify did so fail, or who the manager was who failed to qualify.

Redirect examination :

Knows persons who apprehended ostracism.

H. T. McDONALD.

Sworn to before me this 28th day of February, A. D. 1877.

R. L. FRASER,
Notary Public.

DAVID H. SMITH, being duly sworn, testified that on the day of election he was at the Brown's Ferry poll, in the capacity of United States supervisor. Was there before the poll was opened. He then objected to the formation of the board of managers, because he knew of one of them who had not qualified legally. This manager showed as his qualification only a certificate of appointment from the county board. This person says that he had taken the oath, but he did not have it with him, as the law prescribes. Does not know the name of this person. Deponent's objections to the formation of the board were overruled. The managers, thinking that two were sufficient to organize the poll, did open the poll and begin to receive votes.

Was at the poll all day. Many persons refused to vote at this poll on account of the illegal formation of the poll. Did not see many armed men at this poll.

Does not know that the parties who declined voting at this poll did vote at any other poll on that day.

Did not hear of any persons who were intimidated on account of political sentiments. His part of the county is sparsely settled, and he did not travel about much. After the election deponent made a protest against two persons voting whom he was satisfied were under age, and also on account of the illegal formation of the poll at Brown's Ferry.

Cross-examination:

Did not know positively the ages of the voters whom he thought were under age. The managers saw them as well as deponent when they voted. They brought up their parents or guardians to prove their age, and then they were allowed to vote without their parents and guardians being sworn. He protested merely upon the appearance of these voters, who seemed to him to be under age. Knows of no one who was prevented from voting at that poll by threats or violence or otherwise.

Does not recollect exactly when and by whom he was appointed United States supervisor.

The two managers who did qualify had their oaths with them. Does not remember the name of the officer before whom these oaths were taken. These oaths were partly in writing and partly printed. Does not know whether they were original or copies; does not remember that they were marked "copy."

Redirect examination:

Saw the boxes sealed up, but very clumsily, and the two colored managers took possession of the box. R. H. Kellahan was chairman of this board of managers. The poll-list was put in the box and the box sealed up. There was no written order authorizing these two colored managers to take charge of the box. Mr. Kellahan went home in an opposite direction from the other two managers, who went on to Georgetown. The box was sealed up by the three managers. The sealing was done in the following manner: Some old sealing-wax on the box was melted, and a piece of paper put over it, covering the hole in the box; and upon this paper were signed the names of the three managers. Wm. Vereen's name was signed by Jno. W. Dorrill. Wm. Vereen was the one who had bodily possession of the box.

Did not see written instructions to the two colored managers to take possession of the box, and therefore is not sure that they did not receive such instructions. Had there been written instructions he would probably have seen them, but it is probable that he might not have seen them.

There was no writing-implements of any kind in the house where the

poll was held, other than what was on the desk of the managers, and therefore it is not probable that written instructions could have been made out for these managers without his seeing them.

The clerk of the board went off with the two managers who had the box, in the same direction. Can't say that they started at the same moment. This clerk was the brother-in-law of J. Harvey Jones.

D. W. SMITH.

Sworn to before me this 28th day of February, A. D. 1877.

R. L. FRASER,
Notary Public.

LONDON GREEN, (colored,) being duly sworn, testified:

That he lives on North Santee. On the day of election walked down to the Santee poll. Started from home at seven o'clock in the morning. When he got near the poll, met Paul Allston with tickets for distribution. These were the *red* tickets, republican. He asked deponent how he was going to vote. He said "The Jones ticket." Paul said, "If you vote Jones's ticket to-day, I will see you between now and dark, because Jones is a democrat, and no man shall vote Jones's ticket here to-day." He, deponent, told the boys with him to come on, and Paul Allston said, "If you or any man attempt to vote the Jones ticket at this poll to-day I will have you all arrested here to-day." He said he had authority to arrest any man who voted other than the red republican ticket; that he got his authority from Governor Chamberlain. He then pulled out a paper from his pocket purporting to be his written authority. Deponent then said to the men with him, "Boys, if voting the Jones ticket here to-day will cause a row, and have us all arrested, we must vote the ticket that Paul Allston has, right or wrong."

Deponent says there were about 60 or 70 men who were at first of his own determination, but who afterwards changed their determination on account of the threats made by Paul Allston of arresting any man who voted the Jones ticket. There was a great gang of men with Paul Allston in the road, and they would not allow deponent and his party to pass by.

Saw Joseph Burt at this poll. He appeared to be the chief mover of the crowd that was supporting the red republican ticket. Saw no guns at the poll that day. Did not remain at the poll more than two hours after voting.

Deponent says that he and his crowd were so much intimidated by the threats of Paul Allston, backed up by his show of authority, that they felt compelled to vote the red republican ticket, which was not the ticket of his choice.

Deponent testifies that Joseph Burt tried to persuade him not to obey the summons issued by R. L. Fraser, notary public, to attend an examination in the present case of Jno. L. Richardson *vs.* J. H. Rainey.

Thinks there were some 150 or more persons who were influenced by the threats of Paul Allston to vote against their choice, in the same manner as deponent was. He thinks it would have been difficult for any person to vote any other than the red republican ticket at that poll on that day.

Cross-examination:

Saw some red democratic tickets which looked very much like the red republican tickets. That the ticket he voted was read to him by Frank Brown, was a red republican ticket, and was the one he voted, but was not the one he wanted to vote; for he wanted to vote the

Jones ticket. Jones's ticket was a white ticket in color. Nobody at the poll prevented him from putting in the vote at the polls. The place where he was stopped by Paul Allston and his party was 50 yards from the polls.

Deponent cannot remember all of the names of the 150 men who were prevented from voting as they pleased, but is at present able to specify the following, viz, Antony Small, Billy Singleton, Pino Singleton, Sam Gartus, Nat Small, Andrew Leserne, Jack Small, Isaiah Small, and if he exercised his memory he might mention the names of a great many more. The same words that intimidated the deponent also intimidated the men whose names are above mentioned, and many more too numerous to mention. Saw no actual violence offered to any particular man.

Did not afterwards prosecute Paul Allston for pretending to exercise authority to compel him and others to vote against their choice. He made an affidavit of these facts after election, before C. R. Anderson, clerk of court. Does not know that Paul Allston was ever prosecuted afterwards.

Deponent has nothing against Joseph H. Rainey, and voted for him at the last election.

Redirect examination :

Deponent felt satisfied that if he had voted the Jones ticket that there would certainly have been a fuss. Would not have dared to vote any other than the regular republican ticket on that day at the Santee poll. This was the case with all in his party. They feared a row and fuss, and were compelled to vote the red republican ticket.

If he had wanted to vote for Mr. Richardson, would not have dared to vote for him after meeting Paul Allston and his crowd.

Joe Burt told deponent, "You and your party have always been pulling against me; but I have the biggest crowd to-day, and you fellows will have to vote as we say." Did not see anybody distributing the red democratic ticket. He heard the expression that "if any man voted the democratic ticket at that poll on that day he should not go home alive."

LONDON ^{his} + GREEN,
mark.

Attest :

F. W. MACUSKER.

Sworn to before me this 27th day of February, A. D. 1877.

R. L. FRASER,
Notary Public.

CHARLES MIKEL, (colored,) being duly sworn, testifies: Lives on Santee. Was at the Santee poll on election-day. Went to the poll soon in the morning of that day. Went there with London Green and others. When he went up to the poll met Paul Allston, who handed him a ticket. Did not want to vote that ticket, for Jones's name was not on it, and he wanted to vote for Jones. London Green told him he had better vote as Paul Allston said, or there would be a fuss. Paul Allston seemed determined not to let deponent vote other than he desired. The tickets Paul Allston had were republican tickets. Paul Allston did not threaten to arrest deponent, but threatened him "wrathfully." Paul Allston did not show deponent any proof of his authority.

There would have been a row if deponent and his friends had voted

any other than the red republican ticket. London Green was the leader of deponent and his friends, and they all acted as London advised them.

The crowd led by Paul Allston would not let deponent and his friends vote the Jones ticket. Saw no guns at the poll. He was not made to open his vote at the poll.

Deponent thinks that if there had been any attempt to vote any other than the red republican ticket at that poll there would have been a row.

Before the election the speakers told deponent he must vote for Chamberlain, that *he* would make a good governor.

Never heard any preacher say a person would be turned out of church for voting.

Cross-examination :

Was one of London Green's crowd, and all of that crowd were republicans and Chamberlain men. Deponent didn't support Joseph H. Rainey; does not know whether he was a candidate on the republican ticket or not, but deponent and his crowd wanted to vote the Jones ticket, and was prevented from voting it by the manner of Paul Allston and his crowd; does not know of any democrats who were prevented from voting. Saw no arms.

Redirect examination :

Deponent says there would have been a fuss if he had attempted to vote for any particular person who was not on the ticket that Paul Allston gave him.

CHARLES ^{his} + MIKEL.
mark.

Sworn to before me this 28th day of February, 1877.

R. L. FRASER,
Notary Public.

Attest:

J. A. JACKSON.

HENRY SMITH, (colored,) being duly sworn, testifies :

Resides on Santee. Took an active part in the canvass before the last election in the support of the reform or democratic party; knows Joseph Bush and other leaders of the republican party on Santee. These leaders said that any colored man who became a democrat would be spotted; that, in other words, they would be intimidated, even to the extent of personal violence. Does not think it was safe for a colored man to go about on Santee and advocate his political opinions. The people seemed fearful to take sides with deponent for fear of their bodies.

On one occasion he was personally attacked, a few days before the election, by about 15 or 18 men. As he came on the road these men, in ambush, rose up before him in such a manner that he feared they would attack him. They upbraided him with supporting the democratic party; they laid hold on his horse, and one struck his horse. Their manner was very violent. They said they wanted satisfaction that day, out of him that day. They said, "We will look after you on election-day, and be careful what you do." They said, "You and others are going to put us back in slavery, and we band together to watch you." After many expostulations the crowd let him depart, but said, "You had better look out. If we meet you on the 7th day of November voting for one of those rebels, take care. You are not to cast any vote or come to the poll on election-day."

The crowd had detained him for over two hours, and only the calm

manner of deponent saved him from personal violence. This was the general manner of the people in that section of the country. In consequence of the mode in which the republicans conducted the canvass, he thought there was danger to himself and other colored democrats. Deponent went to Columbia, S. C., to see General Ruger. He represented to him the danger to the colored democrats, and the necessity they were in for the United States troops for their protection. He carried with him a petition for troops, representing the danger in which the colored people who wanted to vote with the democrats were placed in by the violent behavior and threats of the republicans and their leaders. This was about twenty days before the election, or about the 29th day of October. Deponent states that the troops were promised, but they never came. They had plenty of time to reach here before election-day. Was at Santee poll on election-day. He saw men in squads searching about and preventing the democratic and Jones tickets from being either freely distributed or voted; was at the poll about two hours. During this time this system of intimidation was carried on. Had there been troops at the poll he thinks more voters would have voted the ticket of their choice than did; that he believes over 200 democratic votes would have been polled there which were not voted at all.

The attacks upon deponent, generally, for his political sentiments were generally known in that portion of the county, and had the effect of intimidating the people and keeping them from joining the democratic party.

Remembers that during the canvass the democratic candidate had arranged to have a meeting on Santee; that threats were made that no democrat should come there to speak or he would be harmed; and that the gentlemen on Santee, fearing violence to the candidates if they attempted to speak there, advised them to forego the meeting. It was not safe for them to have gone there.

Knows Joe Bush personally, who has almost absolute control over the colored people on Santee. The people there obey him implicitly. The squad that attacked him on Santee were among the people who were under Joe Bush's influence.

Was at one meeting on Santee where Mr. S. E. Barnwell attempted to speak, but was prevented by the noise and uproar of some of the people, instigated by their leaders.

Cross-examination :

Of the party who attacked him, he remembers the name of Andrew Small, who was the most violent man, and held his horse forcibly. As to the others, he remembers their faces, but cannot tell their names. Been living on Santee since 1867. Was not familiarly acquainted with these parties.

The same day he met Edward Daily, who was also stopped and attacked by this same crowd. He knows that the fact of his being ambushed and attacked was known generally, because he had disseminated the fact himself by telling it himself to divers parties. He told it to June Pinckney, to Joseph Bush, and others. Took no steps to have the parties who attacked him prosecuted.

his
HENRY + SMITH.
mark

Sworn to before me this 28th day of February, 1877.

R. L. FRASER,
Notary Public.

Attest:

F. W. MACUSHEN.

W. S. COLLINS is a citizen of Georgetown County; resides in the Upper Pee Dee section. Was at Grier's precinct on election-day; was a manager at that poll, and properly qualified. The other managers were John Grove and Joe Branson. Does not know that these managers had qualified. Joe Branson elected chairman of the board, and James A. Bowly was clerk; sworn in before the managers. There were about 223 votes at this precinct, but is not certain as to the number.

Before the election he heard threats uttered against any one who would vote the democratic ticket. When he was electioneering, the people told him that they were afraid to join the democrats, because their wives would leave them, or personal injury would be done to them. They could not vote the reform ticket and let it be known without danger of being killed. Some said that they would be served as June Woodward had been served, who, they said, had been whipped; and so they feared to vote the democratic ticket.

(Contestee objects to the introduction of the fact that June Woodward had been whipped, as hearsay.)

The fact was generally known in that section of the country that June Woodward had been whipped on account of his political sentiments. June Woodward told deponent that he had been whipped, and that many others would have joined the democrats but that they feared to do so.

(Objected to by contestee as being what June Woodward said, and ergo hearsay.)

June Woodward was an advocate of the reform or democratic ticket.

It was dangerous to go against the republican ticket, was the feeling among the voters in that section of the country.

It was the general impression among the people that the leaders of the republican party would make it dangerous to any one who voted the democratic ticket. A great many colored men here were intimidated by this impression from voting the democratic ticket.

The effect on the mind of deponent of the disbanding of the rifle-clubs and the maintaining of the colored militia was that he would be left without protection. This was the general apprehension among his neighbors. The election at Grier's poll was quiet. In the afternoon there were some women at the poll who were uttering threats. There are two June Woodwards in this part of the country. June Woodward, jr., who had been to Georgia about two years ago, is the person named before.

The women at the polls had threatened to whip any one who voted the democratic ticket.

The managers said they had instructions to carry the ballot-box to Charles Green's house, who was a candidate for the State legislature, and carry it there they would.

The box was not sealed; the lock was broken, and the lid was only nailed down. Branson, the chairman, did not accompany the box to town, nor did he give the managers who carried the box to town written instructions. Deponent says the box was out of his possession about two hours. The box was delivered to one of the commissioners of election in Georgetown the next day about 12 m.

Cross-examination:

John Grove was the manager who had charge of the box. Grove was a republican.

Did not know that John Grove had no written instructions, but he did not see any such or sign any such written instructions. The box could have been opened and deponent would not have been able to discover whether or not it had been tampered with.

Deponent was then voting the straight-out democratic ticket; he had before voted the republican ticket and also the "split ticket." Does not know that the box was ever tampered with; does not think it was tampered with in Charles Greer's house. J. A. Bowley was in the buggy with the box with Grove, while deponent was riding along on horseback. Fearing the box would be tampered with, deponent accompanied the box as far as he could. The nails used in fastening the box were broken shingle nails. Don't remember to have heard Charles Green say anything at the polls that day.

W. S. COLLINS.

Sworn to before me this 28th day of February, A. D. 1877.

R. L. FRASER,
Notary Public.

CHARLES ADDISON, being duly sworn, testified that he was on Pee Dee, at the Birdfield poll, on election-day; went there about half past five a. m.; remained there until the poll was closed. Talked politics with the people previous to election-day; took part in the campaign as a regular republican. It was not safe for a few democrats to go about electioneering. The women would have hurt any colored man who was a democrat. Some democrats had spoken their sentiments and not been injured. He had heard some speak as boldly as he would in private conversation. The women wanted to whip Bruce Williams because they thought he was democrat. Never heard any threats against any who voted the democratic ticket; has heard people say that any colored man who voted the democratic ticket was not fit to associate with. Had heard fears expressed of being put back into slavery if colored people voted the democratic ticket; have heard republican leaders say that if the colored folks voted with the whites they would be put back into slavery.

Cross-examination :

Does not know of any threats of violence on the day of election calculated to make the voter vote other than he pleased. Deponent was never afraid to vote as he pleased.

CHARLES ADDISON.

Sworn to before me this 28th day of February, 1877.

R. L. FRASER,
Notary Public.

MOSES BRITTON was at Grier's poll on election-day, in the morning; heard one colored man say who had voted, "I voted the democratic ticket, and I voted openly." Deponent did not exactly think it was safe for him to vote the democratic ticket; thinks he might have made enemies and interruption. The republican was the strongest side and therefore the safest.

Cross-examination :

Saw no threats or attempts at violence to any one on election-day; saw or knew of no person who had been prevented from voting for fear of threats of personal violence. No threats were made against the person who had openly voted the democratic ticket, and there were many people around the poll at that time. Went to the poll about 10 o'clock and staid there only half an hour; lives about half a mile off.

James Greer was the name of the colored man who voted the democratic ticket. He was a big, strong man.

MOSES ^{his} × BRITTON.
mark.

Attest:

F. W. MACUSKER.

Sworn to before me this 28th day of February, 1877.

R. L. FRASER,
Notary Public.

W. A. JOHNSON, (colored,) being duly sworn, testifies: Was at the Black River poll on election-day. Everything went on quiet. The managers there were William Vereen, R. H. Kellahan, and William Miller. Deponent got to the polls about ten minutes after eleven. Heard no objection made to the organization of the board of managers. Remained there till the polls closed. Saw the box sealed up by melting up the wax that was on the box. Deponent acted as United States supervisor at this poll. Heard the other supervisor, D. H. Smith, object to two voters. Did not see the box opened after it had been sealed. Saw R. H. Kellahan write his own name and another manager's on the box. Knows that Kellahan and Vereen were sworn; does not know that Miller had been sworn; remembers that there was a question of the subject of a manager not being sworn, but it was not satisfactorily answered. Saw no guns or violence at this poll. Saw one or two colored men vote the democratic ticket. Does not know what the feelings of the people were in this section of the country prior to election-day. Does not know what the general sentiment of the people was prior to the election regarding the consequences of voting the democratic ticket. Never traveled through the country much. Never went out of the town during the campaign. The United States marshal at the Brown's Ferry poll was named Boston Perkins, who voted the split ticket; that he voted for Richardson and for Bruce Williams.

Cross-examination:

Does not remember whose name of a manager it was that Kellahan wrote across the seal of the ballot-box. Deponent remained at the poll, after the box was sealed up, until deponent and the clerk started to town. The box was in the hands of William Vereen. Deponent left Vereen at the poll in the possession of the box. Saw Vereen the next morning with a bag, which he supposed to be the box, go into the house of J. H. Jones in company with Pompey Porcher. This was early in the morning, between 8 and 9 o'clock in the morning. Is not certain, but thinks that D. J. Wilson was in the same house at this time. Deponent was also in the house. They all went in pretty much together. Vereen left this house about 10 or 15 minutes after he had entered. When Vereen was in this house Henry Jones was in bed, sick. Vereen went down toward the court-house with the bag, which deponent supposes contained the box, on his shoulder. Did not hear Vereen say what he had in the box. In sealing the box the wax was placed over the key-hole and over the hole where the ballots are deposited. The lid to the box was hinged on to it, and a key used to open it; the hinges were fastened down with screws. Is not certain who received the key after the box was locked, but think Baxter had it. Baxter acted as clerk of the board. Deponent thinks there were some instructions concerning the box written by Baxter and signed by Kellahan, one of the managers. He forgets what these instructions were. Vereen cannot

write. Saw no one prevented from voting, nor any demonstrations of intimidation or violence. Is not certain that one of the managers was named Miller. Deponent came directly to town after he left the poll.

Redirect examination :

Deponent saw Mr. Kellahan write his own and the name of another manager across the seal, and saw the other manager write his own name. Saw John W. Dorrill at the poll, but did not see him write the name of a manager.

The paper referred to that was written by the clerk was written on the desk at the poll. It was handed to Baxter by R. H. Kellahan. Shortly after this Baxter and deponent came on to town together. Does not know what Vereen did with the box when he brought it to Jones's house. Deponent was in the room with Jones ; think D. J. Wilson was in this house when deponent went there. Deponent did not see Alonzo Jackson when deponent came out of the house. Vereen came out first, then deponent, who had left D. J. Wilson in the house. Pompey Porcher came out with Vereen. Vereen and Pompey stopped at the door of the court-house. Is sure that D. J. Wilson did not come to Harvey Jones's house and inquire for Vereen.

Boston Perkins, in voting, scratched off the name of J. H. Rainey and L. B. Gibson. With this exception he voted the regular republican ticket.

It was about 9 o'clock a. m. when deponent left Harvey Jones's house with Vereen.

The manager whose name was written was present when Kellahan wrote it on the seal. His name was Vereen. When deponent was in Harvey Jones's room, Baxter, Vereen, and D. I. Wilson were left in the hall, and deponent did not see them at all again in the house. Baxter lives in this house.

W. A. JOHNSON.

Sworn to before me this 1st day of March, A. D. 1877.

R. L. FRASER,
Notary Public.

JOB MAZYCK, (colored,) being duly sworn, testifies that he was a United States marshal at the last election ; was the head deputy marshal of his county.

Heard some of the people say they would lose their rights if the democrats were elected. Never heard anything about being turned out of church if they voted for the democrats. Heard threats against W. H. Jones for affiliating with the democrats. Heard that at Santee there were five men placed on the road to shoot W. H. Jones because he was thought to be a democrat. Knows one little fellow who was made drunk for the express purpose of shooting Jones, and who afterward said, " Damned if he wouldn't shoot him if he had come along."

The feeling on Santee was such that it was not safe for a person to go there to advocate the democratic ticket.

Deponent sent Ned Lawrence down to Santee as a deputy marshal, who reported to him that the people down there would not allow any one to distribute democratic tickets down there, and that there was a man down there who pretended to be a United States marshal, deputized by Governor Chamberlain, and said if he undertook to distribute democratic tickets there he would have him in jail before night. (Objected to by contestee as hearsay, as to what was told the deputy marshal.)

Deponent had sent deputies to the other precincts. From those he did not hear reports similar to the one from Santee.

This hostility on Santee was manifested against all parties who voted else than the straight republican ticket. Burt told deponent in town that it would be unsafe to carry any other than the straight republican ticket down to Santee.

Was in town when Mr. Richardson attempted to address the crowd, and was prevented by a row. Deponent thought the disturbers ought to have been captured and put in jail. Gipson and Harvey Jones were the leaders of this mob. Gipson said, "Let us make a fuss, that they can't speak." The noise was so great that no free speaking could be had or heard. Heard the row, but did not see any person knocked down or cut; was away from the court-house about a square at the time of the greatest fuss. Heard republican leaders speak in such a way as to terrify the people if they voted against them. Heard Gipson, in a speech, say, "If Ross Johnson would go out of town he would have him whipped, for he was a d——d democrat, and was trying to get the colored people down in the ditch again." This language was very loud and indecent.

Heard no other threats of violence. Was in town when General Hampton addressed the people. At this time saw Gipson in a crowd of colored men threatening all who became democrats.

Deponent, on the day of the procession, saw a colored man who wanted to raise a mob and strike a Mr. Britton, and deponent was forced to use his authority as United States marshal to quiet a row.

The colored people who were in the procession were treated with abusive language by crowds of women and boys as they passed by, which continued during the time the procession was moving.

Heard people say that they were going to stop the procession on that day.

Deponent and his deputies were kept pretty active on that day in preserving the peace. He had every apprehension of there being a row. There was a dread over the mind of the people generally that the success of the democratic party would lead to their disfranchisement.

He knows that W. H. Jones was afraid to visit Black River, Upper Waccamaw, and Santee, because the people there had threatened him because he was thought to be a democrat.

Knows of a great many threats made against W. H. Jones throughout the county. Heard some in town. Saw a man who had a pistol and was dodging around deponent's shop looking for Jones. The behavior of this man led deponent to believe that he was on the lookout for Jones, with the intention of shooting him when he came out of the gate. This same man had previously made threats against Jones. After this, these same political enemies of Jones had made an arrangement or conspiracy to shoot into deponent's house, where Jones was staying, but the conspiracy was disclosed and the attempt was not made.

Deponent knows that if the people had been allowed to vote as they pleased that the Jones ticket and the democratic ticket would have got a much larger number of votes than they did. Deponent, himself, selected only two of his deputies; the rest of them were selected by the United States marshal in Charleston. These were all republicans but one. The election in town went off peaceably.

The reason of the hostility manifested against W. H. Jones was the belief that he had changed to a democrat.

Had heard that a preacher named Murrell had said that the only way to beat Jones politically was to kill him.

On one occasion when deponent was in the country, at North Hampton, he heard the people say that if Jones came up that way they would kill him, for he was a democrat. Bruce Williams, the presiding elder, had told them that the democrats had bought up Jones with five hundred dollars, a barrel of rice, and beef. Bruce Williams was a candidate on the straight republican ticket for State senator.

He knows of one Harvey, a colored preacher in this section, who acted as a political agent of Bruce Williams, whose business it was to point out to the people all to be killed who came up there, and to keep them on the alert.

At this place the people would not allow Jones's name to be called, saying they would kill any one who mentioned his name. The hostility here against him was great.

He knows of Ned Lawrence, a colored democrat, who was not allowed to vote at Santee. Ned Lawrence said he was afraid to try it.

(Objected to by contestee as hearsay, as to the statement made by Ned Lawrence.)

Cross-examination :

Does not know what the man wanted to fight Mr. Britton for, in the procession, beyond what he heard the man say, which was that he had been struck by Mr. Britton.

(Contestant objects to this as not being admissible evidence; being clearly hearsay as to a particular isolated fact, not demonstrating a general sentiment.)

This statement to the deponent about being struck was denied by Mr. Hawly and Mr. Britton himself. This procession took place before the election.

The man who had a pistol to shoot Jones with, near deponent's shop, was named Dennis Hosell. This was before the election about a month. It was about a week before the day of the procession that he heard it said that the people shall not come to town on the day of the procession. Heard the leading men say they would stop the people from coming to town. These leading men were J. Harvey Jones, Gipson, Dennis Hosell, and others. Did not attend the Santee poll, and knows not who was there, but what he heard. Therefore, he does not know who were prevented from voting there, save from what he had heard from parties who were at the poll.

Did not arrest Dennis Hosell when he saw him looking around to shoot W. H. Jones. Have never since taken measures to bring him to justice. Was not a marshal at this time. Was a marshal when he heard the republican leaders say they would stop the people from coming to town on the day of Hampton's procession. Was at no other than the Georgetown poll on election day. About four weeks before election day deponent attended church on Santee, which was about a mile from the Santee poll. This was the last time deponent was on Santee.

Isaac Barron told deponent that Uppertop Gipson and Joseph Bush had put men in ambush on the Santee road to shoot W. H. Jones as he passed by. Thos. Bush furnished the liquor. A man told Jones if he wanted to go to Santee side, he had better go by water, for if he went by the road he would be shot. No steps were taken to bring these parties to justice.

Redirect examination :

Although deponent did not go often to the Santee country, he saw large crowds of people from there, in town, every Saturday. From these

people deponent gathered the general sentiment of the Santee country. The Gipson referred to is S. B. Gipson, candidate on the regular republican ticket for county school commissioner.

JOB MAZYCK.

Sworn to before me this 1st day of March, A. D., 1877.

R. L. FRASER,
Notary Public.

S. E. BARNWELL is a resident of Georgetown County. Lives at North Santee. Took an active part in the late canvass. Took pains to get at the situation, or the bottom facts of the political sentiments of the people generally. He ascertained that there was undoubtedly an ostracism practiced by the colored people against those of their color who leaned towards the democratic party. This spirit was calculated to depress the colored people, and that the effect on the people was intimidation pure and simple; that they were led to fear blows and personal violence if they left the republican party. The masses of the people on Santee were under the control of a few leaders, who evidently had great influence over them.

In the campaign, an appointment was made by the democratic speakers for Santee, but was not had because the gentlemen on Santee had an apprehension that it would lead to a violent row, from which their homes and families would be endangered. This apprehension arose from the fact of the hostility of the colored people to the democratic party; especially against colored men who would go with the democrats. This hostility was clearly manifest. Deponent himself had to caution colored people who were democrats against uttering sentiments which could be uttered in a free country, but which if spoken out in that neighborhood would subject them to personal violence. There was then open and avowed intimidation on the part of colored men who desired to go with the democrats.

This intimidation of the colored people was so evident that the white people of this part of the county feared that it would extend to them in a measure. The impression on the part of the whites was that efforts would be made to repress the free exercise of the elective franchise.

He thinks many white men went to the Santee poll on election-day solely from a stern sense of duty; that they apprehended danger at the poll to themselves and apprehended a general row.

Was at the Santee poll between 10 and 11 in the morning on election-day. Deponent stopped a group of boys who were in the act of voting when deponent got to the poll, and challenged them. In consequence of this act there was quite a commotion, a gathering around of the colored people, who told deponent he had no right to stop any voters. Sheriff Lesesne stepped forward and explained to the crowd before they would be quieted.

Afterward deponent challenged another group of boys, when a colored man told him he had no right. Deponent replied, when this man was called away.

It was not safe for a black man to advocate the democratic ticket at that poll. Deponent would have advised a colored friend of his not to run such a risk; that it was too great for the occasion to justify. No colored man did advocate the democratic ticket at this poll.

The demonstration of violence against the democratic ticket was so great that the white gentlemen present did not even actually engage in advocating the democratic cause. They even persuaded deponent to

leave off challenging voters. Deponent went off from the poll with Dr. Frost in his buggy, and saw some men lying down alongside the road, as if on picket duty. Dr. Frost then expressed to deponent the great apprehension he had concerning his safety.

Before the election and on election day the hostility manifested against colored democrats was such by the colored republicans that it was undoubtedly unsafe for a colored man on election day to exercise his free right to vote.

Ned Lawrence was at the poll with democratic tickets, and was compelled to desist entirely from distributing them. Deponent saw that Ned Lawrence did desist from distributing tickets, but did not see him compelled to desist.

Does not think it would have been safe for Ned Lawrence to have distributed these tickets or to have advocated the democratic cause, or he would have received personal harm. Deponent himself was agreeably surprised that *he* got off without being molested when he was engaged in challenging the voters. He would not have ventured to have publicly advocated the democratic cause there at that time.

Deponent was active in the canvass, and was in a position to ascertain the general sentiments of the colored people as regards their advocacy of the democratic cause. The sentiment was that colored democrats would be ostracised and without protection; that there was a general feeling of insecurity; that the democrats would need protection against the apprehended violence of the republicans. In consequence of this feeling of insecurity, deponent had applied to General Ruger for United States troops for the protection of the democrats. Deponent told General Ruger that there was in a house of a republican leader on Santee 40 stand of arms; that it was possible for them to be used by designing men. Joseph Bush was the person in possession of these 40 stand of arms.

Deponent was satisfied that the feeling in the county was that the United States troops had been sent to the State to protect the republican voter and not the democrats. He therefore wanted the troops to disabuse the minds of the people of this belief which was generally abroad.

Deponent thinks the influence of this belief was to cement the republican party, and to keep any men from leaving their ranks. The abatement of the proclivities of the colored party for the democrats increased visibly after the proclamation of the President and the governor disbanding the rifle-clubs.

Does not think there was any repeating done at the Santee poll on election-day.

Cross-examination:

By ostracism, deponent means revilings; threats generally as being the mode of ostracising; reviling them for being democrats, and thereby being enemies to their race and color. Knows a man named Henry Smith, who was a conspicuous object by ostracism by his race. Nothing of this kind was used by the opposite party. Rather inducements and encouragements were afforded those who would join the reform party.

Did not know the ages of the boys whom he challenged when voting, but judged from their appearances of their non-age. The managers at the poll also saw these boys.

Deponent succeeded in preventing some from voting, but others voted in spite of the challenge.

The body of men lying alongside the road, when deponent and Dr. Frost rode by, did not evince any acts of violence.

The parties who voted under age, in spite of deponent's challenge, were Edward Barnwell, October Vanderhorst, Jenkins Brown, Bony Small, Stephen Lesesne, John Irons, and Jesse Judge.

As regards the 40 stand of arms, deponent got this information from Joseph Bush. In justice to Bush, he would say that Bush stated that they would be perfectly safe in his hands; that they would not be used illegally, or without an order from the adjutant and inspector general. This conversation with Bush was about on the 20th day of October, before the election.

S. E. BARNWELL.

Sworn to before me this 1st day of March, 1877.

R. L. FRASER,
Notary Public.

THOMAS E. RHODES, being duly sworn, testifies:

Lives in Georgetown County. Was at the Santee poll at the last election; took an active part in the last campaign. The disposition of the republicans on Santee was hostile to deponent and the ticket he represented, which was the Jones republican ticket, which differed from the regular republican ticket only in the candidates for county offices; endeavored to distribute these tickets at the poll; distributed over two hundred to parties who were willing to vote them; but these tickets were taken away from them. For endeavoring to distribute these tickets, the republicans threatened to knock deponent down; in making the effort to distribute these tickets deponent run the risk of receiving personal violence. He saw the tickets he had distributed taken away by a crowd of noisy, boisterous men. This turbulent crowd moved about the grounds, around the poll, with sticks and clubs, and would stop the voters and take away their tickets in a violent, threatening manner. Remained at the poll from 11 a. m. to 12 in the night. When the votes were counted there was not one Jones ticket in the box, although deponent had distributed over two hundred of them to voters. Saw Alex. Lewis at the poll, and a man named Brownfield; these men were there to electioneer for the democratic ticket. Brownfield advised deponent to leave the poll, as it was dangerous; that he, himself, dared not attempt to distribute the democratic ticket. Did not see any other conduct of this riotous crowd toward Brownfield and Lewis. From the violent conduct of the republican leaders against deponent himself, he does not think it would have been safe for Brownfield and Lewis to have attempted to distribute the democratic ticket; it would have been at the risk of their lives. Saw Ned Lawrence at this poll, who also advised deponent to leave this poll, as staying there would be dangerous; this was when the crowd was around deponent, trying to take away his tickets. Ned Lawrence and another man counselled deponent to get away from the crowd or he would be hurt; deponent went away and the crowd followed him, pushing him, trying to get the tickets away from him. Paul Allston and a man named Mayrant seemed to be the leaders of this turbulent crowd.

Brownfield and Lewis had left the poll, but deponent saw Ned Lawrence late in the evening, and then he had to quit trying to issue tickets.

Did not see R. M. Harriot at the poll.

The crowd told deponent that they had made R. M. Harriot "get up and get," and that they would make deponent do the same.

In counting the ballots, the poll-list and the number of ballots did not agree. There were two votes more than the names on the list. Is certain of one. When this was discovered, they drew one vote from the open box into which the votes had been emptied from the ballot-box, the ballots in which could be seen and known by the person drawing.

There were votes counted for L. B. Gibson which had evidently been cast for W. C. White for school-commissioner.

He heard threats coming from this turbulent crowd against S. E. Barnwell, who was challenging the votes, that they would fix him. They seemed very bitter against Mr. Barnwell. Heard of guns at the poll over the branch, but did not see any. The turbulent crowd was armed principally with sticks and clubs.

Took an active part in canvassing on Lower Waccamaw. Never had any talk with the people about the disbanding of the rifle-clubs.

Deponent's own opinion is that the proclamations of the President and the governor in disbanding the rifle-clubs was to support the republicans and to take away protection from those who were inclined to support the democratic cause. This was the general impression throughout the country.

He knows of Dr. Frost approaching Mr. Barnwell at the Santee poll and taking him off, advising him that it was dangerous for him to remain there. Deponent voted at this poll a ticket that he had written. The crowd would not let deponent vote a printed ticket, because it was a mixed ticket. The managers would not let him vote it. Deponent had not time to write out the full ticket, and voted only a portion, consequently did not vote as he desired.

The ticket that deponent tried to vote was one-half the State and national democratic ticket and the other half the Jones republican county ticket, pasted together. This he was not allowed to put in the box. He had to write his ticket, and had time to write only a portion of the ticket. Deponent is certain that Jones got eight votes at this poll.

The teachings of the republican leaders at this precinct was that none other than the straight republican ticket should be advocated or voted at that poll. They told deponent they would not allow any other there.

Have witnessed elections prior to the last, but never saw before so much trouble and noise and intimidation at and around the voting-precinct.

Knows Joseph Bush, who has considerable political influence on Santee. Bush is county commissioner for Georgetown County. He, Bush, was very active in the last campaign. Bush has boasted of his influence over the people there, saying that if any one wanted to carry an election they must secure his assistance.

It was a current report that many men who were out of employment were supported by Joseph Bush through his official capacity, and were entirely under his direct control and authority. Joseph Bush is not a man of property, and hence it was supposed that he had made use of the county means to support this crowd. Has heard of corn and other provisions having been distributed to them by Bush. Never heard of Bush being in possession of guns. Heard threats previous to the election that if any one went to Santee in advocacy of the Jones faction he would meet with a warm reception.

Cross-examination :

Did not see clubs in the hands of the three colored democrats at the Santee poll. He saw some eight or nine white men at this poll whom deponent thought to be democrats. Does not know that these men were

armed. Deponent himself was armed. Does not know that the democrats were unarmed.

The managers prevented deponent from voting as he desired to vote. They did not tell deponent their objection to his voting. They objected to his voting the ticket as pasted together, as stated in the examination-in-chief.

Deponent does not know the parties who cast those eight votes for Jones, except his own.

Has seen elections elsewhere, where he has seen fights around the polls, and more tumult. Has seen more in Brooklyn, N. Y., but never in South Carolina before the last election.

The auditor of Georgetown County told deponent he would meet with *warm work* if he went to Santee in Jones's district. The auditor did not say that *he* would make "warm work," or who would.

Saw no violence against Alexander Louis and Brownfield, but only heard them say they were prevented from distributing the democratic tickets. From their statements above, does deponent get his knowledge of the fact.

Deponent did not have hold of the poll-list at the time of the counting of the votes.

The managers were Cordes, Edey, and Smalls; and they were all present when the votes were counted, and the tally made. There were half a dozen persons inside the house and more outside, when the counting was going on. Edey and Smalls took possession of the box. Thinks Mr. Cordes was chairman of the board. Deponent left the box in the possession of the two managers, and went on home. Cordes was not present when the box was sealed. This was about 12 or 1 o'clock at night.

At the polls Brownsfield requested him to go and look at the guns which were over the branch or stream of water close to the polls, but deponent did not go. Does not know who put the guns there, whether they were democrats or republicans. Does not know that the guns were there.

Re-direct examination :

When Brownsfield told deponent about the guns it was in the same conversation about being prevented from distributing the democratic ticket. The reference to the guns was as to the means whereby the distributing of the tickets would be endangered. It was the general report that the intimidation practiced on parties against all who voted the democratic ticket was manifested throughout the entire county.

Cordes left the polls before deponent did, and left the ballot-box in the possession of Smalls and Edey. Deponent was in presence of the box till he left; during this time saw no writing authorizing Smalls and Edey to take possession of the box. Deponent came out of the house in company with Smalls and Edey, who had possession of the box. The clerk had left prior to this. Don't know who had the poll-list. Does not think it was put in the box.

Deponent, prior to the election, was working in behalf of the Jones's ticket.

Deponent and Jones were afraid to go to Upper Santee to canvass on account of the dread of personal violence. This same cause prevented them from going to Upper Waccamaw. Such fears of disturbance prevented deponent from canvassing the county as he desired.

THOS. E. RHODES.

Sworn to before me this 2d day of March, A. D. 1877.

R. L. FRASER,
Notary Public.

FRIDAY BOSSARD, (colored,) being duly sworn, testifies: Resides in Georgetown County. In the last campaign took part with the reform movement. Means of intimidation were used against all colored persons who wished to join the reform movement by the republican parties. Joseph H. Rainey, at the Georgetown poll, was seen by deponent to take away a democratic ticket from a colored voter, saying his name was not on it, and was only prevented by the active interference of deponent from tearing it up.

The doctrine was taught by the republican leaders that the democrats would put the colored people back into slavery.

Does not know of any threats of actual violence.

The colored voters on deponent's plantation were afraid to vote as they pleased, on account of the teachings of the radical leaders. Thinks a great many of them would have voted the democratic ticket had they not been afraid to do so. Deponent's brother had to come to the poll by daybreak to vote, for fear he would be found out and injured, on account of having voted the democratic ticket.

From his observation on his own plantation, deponent thinks this same influence was extended throughout the entire county and that it prevented many colored men from voting the democratic ticket.

Deponent feels that he himself has been ostracized by the colored republicans; that they all turn the cold shoulder to him.

They treat other colored men who voted for the democrats, in the same way, and worse—to such an extent, that in some cases deponent has had to protect some from unkind treatment on the part of the republicans.

The efforts of the whites to induce the colored people to join them were of the kindest character.

After the disbanding of the rifle-clubs, by the proclamation of the President and the governor it was the general feeling among the colored people that all protection was taken away from those who would be democrats, and that the republicans were therefore made much stronger and secure. Does not know of a petition having been sent to General Ruger.

Cross-examination :

Deponent is an independent man, and does not feel that he is hurt by being ostracized by the republicans. Deponent is a planter, and feels consequently that he is more in a position to give favors than to receive them from the republicans, because he could employ them, while they could not employ him. He plants for himself and for another rice-planter. Deponent is a democrat; also the gentlemen for whom he plants, who says he is.

No violence has been attempted against deponent, only ill-will. They have not got deponent out of business by their treatment of him. Deponent never refused to employ any person because he was a republican.

Some of deponent's laborers have left him on account of his being a democrat, and thus he has been short of employés when needed. These laborers were the women named Dora Toomer, Hester Brown, Lucretia Mahew, Annie Brown, Jane Gaillard, Susannah White, Betty Smith, Annie Bookie, Catharine Bookie, Rose McGuine, and one man named Frank Bookie, and another man, Isaac Lewis. They left in January last when their contract expired. These women are all married, and their husbands are all working with deponent. These women made their husbands vote the republican ticket. They said if their husbands voted the democratic ticket they would see what they, the women, would do;

and by that all the husbands voted the republican ticket. Thinks he does not know that the men voted in consequence of what the wives told them. This is what led deponent to believe that the men were afraid to vote the democratic ticket.

Tom McGuine was the name of the colored man whom J. H. Rainey attempted to prevent from voting the democratic ticket.

Joseph H. Rainey was one of the leaders who said that those who voted the democratic ticket should be treated as enemies. Rainey was the only one of the leaders whom deponent heard say this; and also Gibson. He remembers no other. He heard Rainey say so on election-day, at the court-house, and at no other time. At the same time he heard Gibson say the same thing, and "preach a sermon off of it." The other time he heard Gibson say so was the day when Hampton was in Georgetown, when he said so in Georgetown.

Did not see his brother vote, but met him when he was coming back from voting. His brother said he had voted early to avoid interruption, but did not say that he had been interrupted. Deponent was not interrupted at the poll when he voted.

Redirect:

There are not many colored men in this county who are as independent of the republicans as deponent is.

Deponent would prefer to have no bad feeling against him on account of his political opinions, and if less independent would feel greater apprehension from their ill-treatment of him.

The occasion he heard Gibson make the threats alluded to was the same day when Gibson had threatened Ross Johnson.

FRIDAY ^{his} + BOSSARD.
mark.

Attest:

W. H. JONES.

Sworn to before me this 2d March, A. D. 1877.

R. L. FRASER,
Notary Public.

NED LAWRENCE, (colored,) being duly sworn, testified that he resides in Georgetown County. Took an active part in the last political campaign. Was in favor of the reform or democratic ticket.

In canvassing for the reform ticket, the difficulty experienced was the belief in the minds of the colored people that they would be disfranchised, not allowed to vote again, if they supported the democrats; that such would be ostracized and not treated as friends. This belief was current throughout the county. These threats of ostracism had a tendency to prevent the colored people from joining the democratic clubs and working with the democrats.

Attended Santee poll on election-day; went there to distribute democratic tickets. Got to the poll at a quarter after six in the morning. People said that if anybody came down there with a democratic ticket he would be arrested. This was told deponent by Paul Allston, who stated that he was a United States marshal, and would arrest any one who voted any other than the regular republican ticket. Deponent asked Paul who made him deputy United States marshal, and he said, "Jure Lesesne, the sheriff of Georgetown County." Deponent then went on. He was himself deputy United States marshal. He went on

distributing the tickets. Paul Allston was surrounded by a crowd of men. These men were very noisy in the morning, but quieted down in the evening. Deponent distributed about 15 or 16 tickets. He saw several vote these tickets, and saw some taken away and torn up.

It was not safe to distribute these tickets, and it was dangerous to vote the democratic ticket at that poll. This crowd said, "If any one votes the democratic ticket he knows what we will do with him to-night." From the conduct of Paul Allston and the crowd with him at the polls, deponent knows that the people there were prevented from exercising their free choice in voting.

Deponent saw T. E. Rhodes surrounded by a crowd who were trying to take the tickets away from him, and threatening to tie him up and whip him. Deponent went to his assistance. One of Paul Allston's men had a gun, and deponent advised him to carry it off. Saw four men with shot-bags and flasks on their shoulders, who had had their guns put in the branch, but did not see the guns.

Heard no threats of violence to others besides Mr. Rhodes.

Heard none against Mr. Barnwell. Was not in the immediate vicinity of the poll when Mr. Barnwell was there.

Deponent stopped some women coming to the polls who were making a fuss, saying they had come there to see who dared to vote the democratic ticket. Does not know any one who was driven away from the poll.

There was a good deal of talk down there against W. H. Jones. The people seemed determined to allow no other ticket to be voted than the straight republican ticket. The violence and animosity was evidently brought about by the teachings of the republicans.

Never heard any positive threats against democrats.

Was in town when John S. Richardson attempted to speak, and was interrupted by noise.

The preachers in the pulpit advised the people to vote the straight republican ticket.

Knows Joe Bush, who has considerable influence over the people on Santee. In the upper portion of Santee Joe Bush is regarded as a young god.

Saw R. M. Harriot at the Santee poll, who did not stay there long, and had to leave on account of the threatening manner of the crowd led by Paul Allston. Deponent voted there, but to do so had to force his way to the box. This crowd tried to prevent him from voting. Deponent staid at the polls till they were closed.

Deponent has witnessed other elections, but has never seen so much confusion and tumult as was at the Santee poll.

Cross-examination :

The hostility to Mr. Jones and his ticket was not so much a prejudice against Jones selling out as against the democrats. They were opposed to Jones because they thought he was a democrat.

Cannot tell the name of any person who said he was afraid that he would be put back into slavery if he voted the democratic ticket, but he had heard this argument used by the republican speakers in speaking. Cannot mention any particular name of a speaker who used these arguments.

The men who were prevented from voting were so prevented by a crowd of men who stood up between them and the polls.

He knows of the influence Bush has on Santee by what he has heard

from the people who live there. He had been at Bush's house, and from what he has observed for years.

Deponent has heard Bush boast of his influence.

his
NED + LAWRENCE.
mark.

Attest:

W. H. JONES.

Sworn to before me this 2d day of March, A. D. 1877.

R. L. FRASER,
Notary Public.

PETER WOODBURY, (colored,) being duly sworn, testified: Lived in Georgetown County before and at the last election. Went around the county canvassing. Advocated the democratic ticket.

There was more intimidation in this last election than deponent had ever seen or heard of before. All of the leaders of the republican party that could utter a word to the people told them not to vote the democratic ticket; if they did they would certainly go back into slavery. Deponent believes there were a great many men who would have voted the democratic ticket if that had not been so advised by their leaders. Even in joint discussions the republicans would try to inflame the people. Gibson would endeavor to inflame the people on every occasion. On the day when Hampton was in town Gibson frequently endeavored to create a row.

The effect of the teaching of the republican leaders, by which the people were intimidated, was to prevent the colored people from voting the democratic ticket.

It was the general impression throughout the entire country that the colored people who supported the democratic party would be turned out of the church. The preachers spoke this from the pulpit.

Deponent was among the people a great deal, and was capable of ascertaining their sentiments.

The impression among the people was (when the rifle-clubs were disbanded) that the colored men who voted the democratic ticket would not be protected, while those who voted the republican ticket would have every protection; that the republicans freed them, and that they must do what the republicans told them to do, and that the leaders were sent here to see that they voted the republican ticket. Has heard the people say that if they failed to vote as the leaders said they would lose the protection of the republican party.

On the night that Mr. Richardson spoke and was prevented by the people, led on by Harvey Jones, Gibson, and others, deponent endeavored to quell the riots, but in vain.

Heard that Gibson had told the people that the democrats had tried to drown him when they had brought him over from Waccamaw in a boat. Deponent knows to the contrary, because he was in the boat himself. Gibson spread this report about among the excited crowd that night. There was a considerable row that night, brought on by the radical leaders. Deponent thinks this riot had a considerable effect in intimidating the voters who might have desired to join the democrats.

Remembers when going to a meeting on Sawpit, he saw a considerable number of colored men coming to town armed. There was a general apprehension in the minds of the colored people who were with deponent that a row was imminent. In consequence of this the meeting on Sawpit was broken up prematurely.

It was the general belief on the minds of the people that the radical leaders would resort to any kind of violence—even killing—to carry out their political ends. This was certainly the deponent's belief.

It is deponent's belief that Harvey Jones, Gibson, and other radical leaders had absolute sway over the minds of the colored people; that the people generally were in abject mental slavery to these men, and that these leaders would have exercised this power to any extent to carry out their ends. Never heard any particular threats against W. H. Jones. Believes that Jones was intimidated from going about the county electioneering—particularly on Santee. The colored people were in favor of Jones up to when they had heard that Jones had sold out to the democrats. The report of Jones having sold out to the democrats was circulated by J. Harvey Jones, Gibson, and other radical leaders.

(Contestee objects to the whole bulk of the foregoing, as containing matters of opinion and hearsay.)

Cross-examination :

J. Harvey Jones, S. B. Gibson, J. A. Bowley, and W. H. Jones, were the speakers who said they were sent here to see that the people voted the republican ticket. Had also heard Governor Chamberlain say so in a preceding canvass, but not in the last canvass. Heard J. Harvey Jones say so in the last canvass. Had heard the others say so in almost every place he ever heard them speak.

PETER WOODBURY.

Sworn to before me this 2d day of March, A. D. 1877.

R. L. FRASER,
Notary Public.

BEN. ALLSTON, being duly sworn, testifies that at the last general election he was one of the commissioners of election for Georgetown County. Remembers uniting with the other commissioners in appointing managers of election for the various precincts. The other commissioners were John A. Howard and David Wilson. The election took place on the 7th November last. The board, as a board of canvassers, organized on the 8th, the day following the election. The votes and poll-lists of the various precincts were returned to the board of commissioners—that is, some of them. As the boxes came in they were deposited in the office of J. A. Howard where the commissioners were. In some cases, the boxes and lists were handed in separately, and in others, the lists were locked up in the boxes. Some of these boxes were brought in after the board had organized as a board of canvassers for the county. These boxes were delivered respectively by one of the board of managers of each precinct. Cannot say that the manager delivering the box in each instance was not the chairman of his board of managers. Thinks the box from Black River was not delivered by the chairman; also the Carver's Bay box; is certain of this.

When deponent arrived in town the day after the election, the managers at Georgetown had not finished counting the votes. The Santee box was delivered by Robert Smalls, one of the managers there. The box from Grier's poll was delivered by Grover, who was not the chairman of the board. Dr. Henry Tucker delivered the box from Upper Waccamaw.

From Birdfield, the box was delivered by Mr. Sparkman. The box from Lower Waccamaw was delivered by Colonel Miller and another manager.

From Santee, Carver's Bay, and Black River, the boxes were delivered

by only one of the managers. In the other cases the boxes were accompanied by two or more managers; does not remember that any other managers bringing in the boxes had written instructions to take charge of the boxes; did not see any.

In relation to the Black River box, deponent received a message that the box had gone into the house of J. Harvey Jones with the messenger. In consequence of this, deponent and David Wilson started up to this house together; on the way deponent turned off at the court-house and D. J. Wilson went on to the house. After some little while Wilson came back with the messenger and the box to the court-house. This time was about fifteen minutes. It was about twenty minutes after deponent received this information that Wilson came back with the box. Deponent's attention was called to the appearance of this box. The paper which covered the key-hole of the box was not properly sealed, *i. e.*, the sealing-wax was on the inner side of the paper, and the paper did not go over the lid of the box, so that the box was, practically speaking, unsealed, within the intent and meaning of a sealed package. The box might have been tampered with and opened without leaving any signs of its having been broken open. The signatures were on the box as if each manager had signed his own name.

The box from Grier's poll had no lock; it was fastened with one nail; it had a paper sealed on it. No objection was found to this seal. The signatures were on the paper. There was more than one paper on the box; one on the key-hole and one over the ballot-hole. The only fault found with the box was that it was not locked. Don't think the box could have been opened without disturbing the paper which was over the lid.

The signatures were on one of the papers, but does not know which particular one.

Does not think this box could have been tampered with without creating suspicion. Does not remember exactly the appearance of the box so as to give a definite answer to this question.

The box was brought down by W. S. Collins and John Grove. Joe Brunson, the chairman of the board, did not come down with the box.

With the exception of the Black River box, the other boxes were all properly sealed.

The board of canvassers organized on the 8th November. It was desired to begin the count on that day, but all the boxes were not in, and the board did not count the votes then. It was decided by the board to meet on the Tuesday after election-day, to begin the count.

The Carver's Bay box did not come in until some days after the election. The board of canvassers met on the following Tuesday. A proposition was made to the board to count the votes; but the board refused to count the votes, acting under the opinion of the attorney-general of the State. Protests were offered by citizens against this action, but the board refused to entertain these protests, and consented only to send them on with their returns. It was decided that the board had no right to investigate or to adjudge concerning these protests. The board of county canvassers did not send the ballot-boxes on with their returns to the State board of canvassers.

The county board of canvassers opened all the ballot-boxes by breaking the seals.

Knows that the oaths of all the precinct managers were not on file with the clerk of the court. When inquiry was made for these oaths, the chairman of the board of county canvassers went out of this room where the meeting was, and brought with him some of the oaths. His attention was called to the probate of these oaths. Remember that there were irregularities.

C. R. ANDERSON clerk of clerk, was introduced with the oaths, who being duly sworn, produced the oaths of the managers at the last election. Knows which of them were filed before the election, and those which were filed after the election.

The following oaths were filed after the election :

1. Henry M. Tucker, filed November 8, 1876.
2. Israel Carr, filed November 9, 1876.
3. Ben. I. Richardson, filed November 9, 1876.
4. Tyler Laver, filed November 9, 1876.
5. A. W. Cordes, filed November 9, 1876.
6. Joe Brunson, filed November 9, 1876.
7. Moses Langley and Daniel Davis, filed November 10, 1876.
8. S. R. Carter, filed November 10, 1876.

The oath of William L. Webb, taken on the 7th November, day of election, before H. W. Chisholm, was produced. The above-mentioned oaths were not on file in the clerk's office prior to the day of election.

Knows that Henry M. Tucker handed in his oath to the clerk on November 8. The other oaths he thinks were handed in by R. O. Bond and J. Harvey Jones.

The oath marked 3, of Benjamin I. Richardson, was handed in by the board of county canvassers ; also, No. 7, of Moses Langley and Daniel Davis.

The meeting of the county canvassers was held in one of the rooms connecting with the clerk's office, which he had given up entirely to them, they holding the keys, and still holding them, being yet in possession of the room. Thinks he saw Moses Langley in Georgetown a few days after the election.

C. R. ANDERSON, *C. C. P. & G. S.*

Sworn to before me this 3d day March, A. D. 1877.

R. L. FRASER,
Notary Public.

The deponent, Ben. Allston, now continues :

The oath (3) of Benjamin I. Richardson. As to this, deponent testified that an objection was made in the board of canvassers to the Black River poll, because one of the oaths was not on file. The chairman of the board of canvassers then produced the oath of Ben. I. Richardson. It was stated in the board of canvassers that the Black River poll had not been properly organized, by the failure of the manager appointed to take the oath. The chairman of the board of canvassers left the room and returned with the oath of Ben. I. Richardson, together with others ; Ben. I. Richardson being the manager in question at Black River. The peculiar character of this oath was then noted, the signature of Richardson being in red ink, and the signature of the trial-justice and the other writing on the oath being in black ink. The oath was dated November 1, 1876, as purports on its face. The whole oath was remarked as peculiar. It was stated that at that date, November 1, the trial-justice who signed the oath was sick in bed. The filling up of the oath was in a different handwriting from that of the trial-justice's signature.

(The oath itself was here introduced. The signature "Ben. I. Richardson," is in red ink. The words "Georgetown," "Nov. 1," and "appointed," written in black ink, seem to be in different handwritings. The signature of "J. Harvey Jones, T. J.," is written in black ink. The whole appearance of the oath indicates a *patching up*, as can be seen by

reference to the oath itself, which is on file in the clerk's office in Georgetown, S. C., in an envelope indorsed "1876, oaths of commissioners and managers of election," and is designated by the letters "J. S. R." written on the oath.

R. L. FRASER, N. P.)

Deponent, Ben. Allston, continues:

At a meeting of the board of county canvassers, of which deponent was a member, a protest of the citizens of Georgetown County against the election was handed in to the board, together with numerous affidavits. The board refused to consider the protest but sent the same on to Columbia with their returns. The board refused to entertain any of the protests that were made. They declined to investigate any of the matters contained in the protest.

Was in the county previous to the last canvass. Took a part in the campaign.

The chief difficulty deponent experienced in inducing the colored people to join the democratic party was the people felt themselves bound by oath to vote the republican ticket. They felt that serious things would happen to them if they did not, even to being "shot in the dark," as some expressed it to deponent. This seemed to be the general impression among the people. They were influenced by the "terrorism of numbers." One man told deponent if he was to vote for the democrats somebody would shoot him, and he would never know who did it.

This people did not stand in need of United States troops to protect them from violence on the part of the democrats; the converse is rather true.

To induce the colored people to join the democrats, no other means were used by the whites than kind promises and generous arguments.

Remembers of the proclamations of the President and governor disbanding the rifle-clubs. The impression produced on the minds of the people was that the Government was desirous of supporting, by all possible means, the republican candidates.

(Objected to by contestee, because it is the mere opinion of the witness, guessing at the opinion of others.)

Deponent derives his belief of this impression on the minds of the people from the general tenor of the papers, and the situation of the people in the State, and from the general implicit confidence which the colored people had in the teachings of their political leaders. This teaching tended to induce the colored people that the whole power of the Federal Government was on their side, and in opposition to the white people.

Those colored persons who desired to support the democratic ticket were anxious for protection against the other colored people who were not so disposed.

Thinks the disbanding of the rifle-clubs restrained the white people to offer that protection to the colored people who supported them which they could otherwise have offered. Think the effect of this was to overawe the colored people and restrain them from freedom of political choice.

There was a general system of terrorism and overawing exercised by the republican leaders and women over the minds of the people, and especially those who desired to support the democratic cause.

This system of terrorism had the direct tendency to prevent those desiring to vote the democratic ticket from doing so.

At the last election all the candidates for office, State, county, and national, were all voted for on one general ticket.

Deponent saw no actual intimidation at either of the three polls he visited that day—Griers, Cowersby, and Birdfield. At Griers poll saw two minors who were challenged and admitted on the bare assertion of persons who represented themselves as their parents. They were allowed to vote. Deponent is not certain of their ages. Thinks there was no necessity to send troops to this State. If such a necessity did exist it was more to protect the colored people who affiliated with the democrats than the contrary.

The oath of a manager, William Vereen, was now introduced and exhibited to deponent, who testified, that, at a meeting of the board of canvassers, the objection was not to the oath of William Vereen, on the ground that it was not the oath of William Vereen, because the signature appended was not that of William Vereen, who could not write, and no mark being made thereto. This objection was against the reception of the Black River poll. At that time the board examined the signature of William Vereen on the ballot-box, and it was found to be in a different handwriting from that on the oath.

The oath exhibited to me shows that the oath was filled out in the handwriting of R. O. Bush, the officer before whom the oath was taken, and the signature of William Vereen is written out in a fair business hand without a mark attached to it, in a different handwriting.

R. L. FRASER, N. P.

(The oath of Moses Langley and Daniel Davis was next exhibited.)

The objection made to this in the board of county commissioners was that it was not thought proper that two names should be signed to one oath, as was signed to this, and that it had not been filed in the clerk's office; that the whole appearance of the oath was suspicious.

The following is a copy of the oath:

CHOPPEE, S. C., November 4, 1876.

We do solemnly swear that *we* are duly qualified, according to the Constitution of the United States and of this State, to exercise the duties of the office to which *we* have been *appointed*, and that *we* will faithfully discharge, to the best of *our* abilities, the duties thereof; that *we* recognize the supremacy of the Constitution and laws of the United States over the constitution and laws of any State, and that *we* will support, protect, and defend the Constitution of the United States and the constitution of South Carolina, as ratified by the people on the 16th day of April, 1868: So help *our* God.

DANIEL DAVIS.

MOSES ^{his} + LANGLEY.
mark.

Sworn to and subscribed before me this 4th day of November, A. D. 1876.

J. HARVEY JONES,
Trial Justice.

(This oath is a printed form, the parts of it which are written are indicated in the above copy by being underlined.)

The word "Choppee" and the signature of Daniel Davis seem to be in the same handwriting, deponent testifies. The signature of the trial-justice does not appear to be in the same handwriting as the other signatures. The signature of Moses Langley, which is his mark, is not

written in the handwriting of the trial justice, and is different from the signature of Davis and the word "Choppee."

R. L. FRASER, N. P.

Deponent remembers that there was a discussion among the members of the board as to the means and the manner of sending the return on to Columbia, and also as to the messenger who was to carry the said return.

(Contestee objects to deponent's testimony as to any discussion which took place among the members of the board after they had ceased to be a board.)

This discussion was during the meeting of the board before the package was sealed up, during the sealing up, and afterwards, and does not think it was entered on the minutes of the board.

(Contestee objects to this because it was not entered upon the minutes of the board.)

Deponent insisted before the board that the returns should be sent to Columbia by a messenger other than the chairman of the board, according to the wording of the law. The chairman stated that he intended *himself* to be the messenger, and insisted on being so; and the chairman did himself carry up these returns.

The view of the law that the chairman should appoint a messenger, was urged upon the chairman as precluding the idea that he himself should be the messenger. The chairman did not accept this view, and carried the returns himself.

This view was urged by deponent more persistently on account of the partisan spirit which the chairman had manifested during the proceedings of the board. He urged that any other person than the chairman should be employed as the messenger.

The whole deportment of the chairman during the proceedings of the board had been that of a *republican partisan*.

This chairman, in discussions of the board, had on one or two occasions brought in Joseph H. Rainey and other republican leaders to confer with him and counsel him. On each of these occasions the chairman acted according to the advice of J. H. Rainey and the others whose counsel he had sought.

Cross-examination :

Was at 3 polls on election day, viz, Cowersby, Griers, and Birdfield; was not at the Georgetown poll; Birdfield was the last he attended that day. Left Birdfield poll about 10 o'clock at night, during the counting of the votes; went from there to Mr. Pringle's house; left for Georgetown quite early the next morning; is not quite clear in his memory on this subject. Mr. Pringle lives about 8 miles from Georgetown; got to town about 8 or 9 o'clock a. m., don't remember the hour exactly; came immediately to the court-house; there he met Henry M. Tucker, manager, from Upper Wacomaw, with the box from that poll.

The box from Cowersby was delivered by Paris Prior, who was not the chairman. Griers poll-box was delivered by W. S. Collins and Jim Grove, managers. Brunner was chairman here. The Black River box was delivered by William Vereen, who was not the chairman.

The time that deponent heard that the Black River box had been carried to Harvey Jones's house was about half or three-quarters of an hour after deponent had arrived in town. It may have been an hour.

Some of the boxes were delivered before the board had organized as a board of county canvassers. Remembers the Upper Wacomaw box and the Black River box.

The board organized before one o'clock on that day. Organized by electing Jno. A. Howard chairman, and J. E. Collins clerk. The oath was administered to the clerk—that is the oath prescribed by law.

The board having concluded, from views of counsel, not to begin action as a board on that day, adjourned over until the Tuesday next after the election. They then met.

Does not know of any other box than the Black River box that was carried into a person's house before being delivered to the commissioners of election.

Cannot mention all of the four or five cases in which the poll-lists were not locked up in the boxes. Georgetown box was one. Lower Waccamaw, Lower Pee Dee, and Upper Pee Dee are those that he remembers—he thinks.

The terrorism mentioned by deponent, as exercised by the leaders, consisted of threats from the women to leave the men, to shoot at them, to drive them out of the churches. At some of the church class-meetings some colored men who had affiliated with the democrats were driven out of the meeting. One woman told her son that she would split his head if he voted for the democrats.

Charles Gallant was prevented from voting by his wife.

Cannot mention the name of any particular voter who was prevented from voting by physical force of women. Does not know of any such instance.

Does not know the name of the voters who were challenged at Griers poll for voting under age. Deponent did not challenge them. Does not know the name of the challenger. There was no proof given on one side or the other that deponent knows of; but they were allowed to vote.

Mr. Vereen's oath was objected to at a meeting of the county canvassers. Vereen was not present at this time, nor does he know that Vereen was present at any other time and place when his oath was objected to.

Daniel Davis and Moses Langley were not present when objections were made to their oaths before the board of county canvassers.

When deponent was at Greer's poll he was told that the lock of the ballot-box was broken. Cannot swear to the handwriting of the trial-justice who signed the joint oath of Daniel Davis and Moses Langley.

The name of one colored man who told deponent that he was afraid he would be shot if he voted with the democrats was Sutherland Keith. Does not know of any minors voting at Carver's Bay poll. Does not know that the signature of Moses Langley is not in the handwriting of J. H. Jones, trial-justice, but upon comparison he does not think it is.

Redirect examination :

While deponent will not state that he knows the handwriting of J. H. Jones, yet in comparing the signatures on the joint oath of Daniel Davis and Moses Langley, he would state that they appear to him to be written in different handwriting; that is, the signature of the trial-justice to be written in a different handwriting from that of Moses Langley. Does not know the handwriting in the body of the oath to be the same as that of the signature of the trial-justice. Thinks the words "Chaffee" and "appointed" were written in the same handwriting as that of the signature "Daniel Davis."

BEN. ALLSTON.

Sworn to before me this 3d day of March, A. D. 1877.

R. L. FRASER,
Notary Public.

W. R. BEAMER, being duly sworn, testifies that he lives in Georgetown County, and was raised here. Has been living in the county for twenty years. Is familiar with the political history of this county since reconstruction. Has taken part in elections previous to the last one. In the first campaign and second, deponent took part with the republicans. In the State elections deponent took part with what was known as the bolters' party, to which the democratic party was connected. Took an active part in the canvass of 1874. Supported J. H. Rainey in two elections for Congress.

In the last campaign took an active part in favor of the reform or the democratic cause.

In no previous campaign did deponent ever observe so much hostility against the colored people who desired to vote the democratic ticket as he did observe in the last campaign.

The teachings of the republican leaders were calculated to lead the colored people into acts of violence against all of their race who desired to advocate the democratic cause.

Their preachers exercised this influence over the minds of the people, inducing them to be hostile to the democratic party. The colored people who were induced to vote the democratic ticket were led to believe that they would be ill-treated and ostracized by their race if they continued with the democrats.

Deponent was a candidate on the reform ticket for the office of county commissioner.

Canvassed the county in company with the other democratic speakers.

The first appointment was on Waccamaw. In the course of the speaking, deponent attempted to speak, but was told by the people that he must not speak; that he must get off the stand. They said he was a democrat, and no nigger democrat should speak there. That before he should speak they would take him off the stand. The spokesman of this party had a sword in his hand. Deponent seeing that his party was small, and fearing personal violence, was obliged to desist. This man was named Amos Wigfall, and was an officer in a colored militia company. He was backed up by a considerable crowd, a great many of whom were armed with sticks and cudgels. Deponent thinks that if he had insisted on speaking, there would have been a row and bloodshed. William L. Webb was the leader of this crowd, but he had deserted them. The crowd grumbled at this, saying that Webb had led them into the hands of the wolves and had deserted them. Deponent believes that Webb was the prime mover and organizer of this confusion.

Thinks that the large attendance of the whites at this place alone prevented a general row. This crowd of colored men were exceedingly hostile to deponent and would certainly have injured him had he shown any persistence in speaking. Deponent felt that he was in danger from the crowd, which could be avoided only by keeping very quiet and remaining near to the whites. This hostility was manifested also against other colored democrats who were present on this occasion with deponent.

The next morning went to Brook Green and experienced the same difficulties from the same crowd.

Wigfall told deponent he had no use for any colored man who was a democrat, but said he would not be interrupted that day if he promised never to come back there any more.

When a man named Reiley attempted to speak, the crowd threatened to tie him, and they would have done so had they not been prevented by a preacher named Small, who addressed the people and got them quiet.

Reiley was evidently bull-dozed by the crowd. Deponent's party contemplated going to Brook Green the day before, and believes that had they gone there there would have been trouble.

At Brook Green deponent heard threats against all colored people who joined the democrats uttered by the women, who threatened to desert their husbands. Believes that these sentiments of the negro women were superinduced by the teachings of the radical leaders. They were taught that the democrats would throw them back into slavery; that there would be no free schools if the democrats succeeded, and they would be deprived of their rights and little better off than they were in slavery times. These teachings were prevalent throughout the entire county.

The next meeting was on Pee Dee, where the crowd was small and a quiet meeting was had.

Thinks that an influence was exercised over the people to keep them from attending the meetings. Deponent is satisfied, from the terrorism exercised over the minds of the people, that they were afraid to attend the democratic meetings, and were fearful of harm to themselves if they voted for the democratic ticket. Deponent knows several who voted the democratic ticket secretly, and are now afraid to let it be known.

An appointment had been made for Santee. Jos. Bush told deponent that all the people on Santee were republicans, and that none but republicans cou'ld come there. Deponent was led to believe from this that it would be unsafe for him to go down there. Bush is a man of considerable influence on Santee.

The fear of violence from Jos. Bush and his partisans prevented deponent and his party from going down to Santee.

It was the opinion of the white gentlemen on Santee that it would be unsafe for the democrats to hold a meeting down there.

Went next to Sampit. In going there met people with guns and muskets, coming to town to a republican meeting. Deponent and the rest of the party going to Sampit were led to believe, from the fact of these people being armed, and from the teaching of the leaders, that his own party would be ambushed on their return home, and perhaps killed, and so they were forced to break up their own meeting on Sampit and return to town before dark.

The effect of the disbanding of the rifle-clubs was to discourage the democrats, and to make the colored people believe that it was meant for the strengthening of the republican cause, and that the troops had been sent to the State to enforce the teachings of the radical leaders and buoy up the republican cause.

Thinks that the troops were more needed for the protection of the colored democrats than otherwise. Knows that an application was made to General Ruger for troops to protect the colored democrats.

On joint discussions the democrats treated the radical leaders with kindness and urbanity.

The nature of the speeches of the radical speakers was not argumentative, but rather inflammatory, referring to slavery times and the black code, &c. The words of these speakers were calculated to inflame the people and to stir up strife.

Was in Georgetown when Mr. Richardson was prevented from speaking, by a general row amongst the colored people.

Was at the Birdfield poll on election-day; knows of no case of actual intimidation at this poll.

Was in Georgetown on Hampton's day; knows of a colored woman who was attacked by a crowd of women and stripped almost naked be-

cause she had gone into the lot to hear Hampton speak. She was called a democrat.

Deponent would not have felt safe to have gone to several precincts in this county on election-day to distribute democratic tickets. Didn't go to Santee during this last campaign. Deponent had heard threats against the Jones ticket, on the ground that Jones had sold out to the democrats. Regards it unsafe for Jones to have canvassed in the parts of the county where he was threatened.

This terrorism was so manifest that it would be unsafe for any other than a straight-out republican to travel in those parts of the county. Thinks that even *killing* would have been resorted to by the colored radicals, so great was their animosity to the democrats, or those whom they thought to be democrats.

Cross examination :

The republican leaders alluded to were Bruce Williams, S. B. Gibson, J. Harvey Jones, James Bowley, R. M. Harriot.

Bruce Williams, in a quarterly conference on Pee Dee, taught the people that if the democrats were successful the people would be re-enslaved, and that they must not support the democrats nor countenance any one who did. This was in October. Can mention the names of Phenix Allston, Rawdon Allston, and Charles Gallant, who were present at this quarterly conference. He can mention the names of many others who were present at this conference, if desired.

S. B. Gibson taught the people that the purpose of the democrats was to put them back into slavery, and that if they voted for the democrats the United States Government would go back upon them; that they owed their freedom to the republican party; that they belonged body and soul to that party, and had to work with them accordingly; that the democrats would not allow the black people to vote; to walk with a decent suit of clothes; that his wife should not even wear over-skirts. This is what deponent remembers of the teachings of S. B. Gibson. These teachings were made to the people during the last canvass before the election.

J. Harvey Jones preached to the people that the success of the democratic party meant destruction to them, and to the colored people especially. This is all he remembers now of J. Harvey Jones's teachings. This was before the election.

J. A. Bowley taught the people that the democratic party only sought to enslave the people, and to take away their rights. This was before the election on Pee Dee.

The general teaching of these men was that the colored people should endeavor to defeat these efforts of the democrats to enslave them at all hazards.

Bowley told the colored people that he had shipped in the navy to fight for their freedom, and that how he was here to see that they enjoyed their freedom, and that he did not want them to lose this freedom by helping to the success of the democratic cause; and they, men, women, and children, must make use of every measure to prevent the success of the democratic party. Don't remember what other teachings Bowley taught, and whether any others of his teachings were worse than the foregoing.

R. M. Harriot taught that the democrats, if successful, would put the people back into slavery; put them into the ditches to make up banks; that, in order to accomplish that, the democrats had bought the assistance of W. H. Jones. This was on Waccamaw, at Parkersville, before

the election, prior to the democratic convention. That they must not allow Jones to speak there, because he was a democrat. Also said the same thing on Pee Dee. That Jones had been hired to help the democrats; that they must prevent democrats from carrying the election, and must not allow any of their own race to join the democrats. Those who did so must be punished—not by the men, because the law would get them—but that the women must punish them if they had to tear them to pieces. And Harriot said if it had not been for him in the legislature the democrats would have had them back into slavery already.

Redirect examination :

The state of insecurity in which the colored people were—being afraid to go about the country freely—was the result of the teachings of these radical leaders mentioned above.

This state of insecurity, brought about by the aroused passions of the colored people, prevented men from affiliating with the democratic movement, and from voting the democratic ticket.

W. R. BEAMER.

Sworn to before me this 3d day of March, A. D. 1877.

R. L. FRASER,
Notary Public.

D. J. WILSON was one of the commissioners of election at the last election. Remembers, on the morning after the general election, he received a message that one of the managers of election had gone into the house of J. Harvey Jones with a ballot-box. Had not been to the house of J. Harvey Jones at any time during that day before receiving the message. Went there in consequence of this message. This was about nine and ten, or between, in the morning. Witness generally goes to work about 10 o'clock, and was about going to work when he got this message. William Vereen was the manager whom deponent found at J. Harvey Jones's house with the ballot-box. Remembers to have seen there Jonathan Baxter and one of Ephraim Johnson's sons, (thinks the youngest.) Deponent took William Vereen with the box and went on to the court-house. Was not in the house more than 5 minutes. Deponent went immediately to Harvey Jones's house as soon as he had received the message of the box having been carried there.

In the board of canvassers complaints were made against this box in consequence of the manner in which the box was sealed or fastened. The box did not have any sealing-wax over the paper. The sealing-wax was under the paper, between the paper and the box. Deponent supposes the paper itself was sealed on in such a manner that the paper could have been taken off and another put in its place without the change being detected afterward. Deponent thinks there were two names signed on the paper sealed on the box, and some scribblings with a pencil. Does not remember about this positively.

The chairman of the commissioners gave out the boxes to the managers. Deponent was present when the Griens poll-box was given to the managers. It was then in good condition. When this box was returned the key was missing, and the box was nailed; *i. e.*, the lid nailed down. He thinks the lock was broken.

Cross-examination :

When deponent went to Harvey Jones's house he saw the box in a room in this house, on the floor near the fireplace. There were three persons in the room, Mrs. Baxter, who was sitting down sewing, or engaged in some domestic occupation; and Baxter, writing at the desk, and the young Johnson. William Vereen was not in this room; does

not know in what room Vereen was; made no attempt to go in the room where he was. In two or three minutes after deponent entered this house Vereen came into the room where deponent and the box were. When deponent entered this house he went immediately to Harvey Jones's room, who was lying in bed sick. Told Harvey that a box was in the house, and that he had come after it. Staid in this room with Harvey only one or two minutes. Vereen took up the box and went off with the deponent with the box. When deponent said he took Vereen with the box to the court-house he meant that he went in company with Vereen and the box. Deponent saw the box delivered to the commissioners of election in their office. This box was then locked up in the place provided for all the boxes. A complaint was made against this box the same day by Alonzo J. Jackson, who protested against it because he had seen it go into J. Harvey Jones's house. This protest was made before the commissioners by J. V. Jackson, but was not then made in writing. The board then examined the box and found there was no sealing-wax over the paper on the box, as is the general custom. The paper was pasted on over the hole in which the ballots are put, and over the keyhole of the box. Don't remember positively that the paper over the keyhole on this box came over the side of the box and covered the seam between the lid of the box and the box itself, as is the custom in sealing the ballot-boxes. The box was next examined about ten days afterward and was found in the same condition as when received. This box was brought in a bag from Jones's house to the court-house, where it was received by the commissioners. Does not know who put it in the bag. This box was in the bag when he first saw it. The bag was square-shaped, but did not know that the box was in it until Vereen took it up to carry it to the court-house, when he, deponent, discovered that it was a ballot-box. Did not actually see the box itself until it was taken out of the bag at the court-house. Don't remember that the bag was tied when he saw it in Harvey Jones's house, nor after it left Harvey Jones's house. Did not see Harvey Jones out of bed at any time that deponent was in Harvey's house on this occasion. Deponent did not see Vereen in the bed-room of J. Harvey Jones. Deponent don't remember that he saw J. A. Jackson while he, deponent, was going away from Jones's house; saw him when deponent was going to Jones's house. Saw a crowd around Jackson's stable, but does not remember that he was in this crowd or not.

DAVID J. WILSON.

Sworn to before me this 3d day of March, A. D. 1877.

R. L. FRASER,
Notary Public.

The attorney for contestant here gives notice to the contestee that he will examine June Woodward, jr., during the ten days in which the contestant is entitled to take evidence in reply. June Woodward, jr., will swear that he was whipped by republicans for either voting the democratic ticket or saying he would do it.

R. L. FRASER.

STATE OF SOUTH CAROLINA,
Georgetown County :

In testimony of the correctness of the foregoing, and the genuineness of the signatures attached above, I, R. L. Fraser, notary public, do hereunto affix my hand and seal of office, this 3d day of March, A. D. 1877.

[SEAL.]

R. L. FRASER,
Notary Public.

No. 9.

DEPOSITIONS TAKEN AT TIMMONSVILLE, DARLINGTON CO., S. C.

Notice to take testimony.

State of South Carolina, first congressional district.

JOHN S. RICHARDSON, CONTESTANT, }
 vs. } Contested election.
 JOSEPH H. RAINEY, CONTESTEE. }

To Hon. JOSEPH H. RAINEY,
 Washington, D. C.:

You will take notice that on the 11th day of February instant, and from day to day thereafter, at Timmons ville, Darlington County, South Carolina, before William J. Saunders, notary public, I shall proceed to take testimony to be read and used as evidence in the above-entitled cause, and will examine the following persons, all residents of Darlington County except John S. Beck, who is a resident of Williamsburg County, South Carolina, in said congressional district, to wit: Henry T. Morris, L. R. Ragsdale, Jesse Keith, J. E. Clements, John S. Beck, R. D. F. Rollins, W. W. Moore, and W. E. Dargan.

Respectfully,

JNO. S. RICHARDSON.

SUMTER, S. C., *February 6, 1877.*

I certify that the above is a true copy.

[SEAL.]

WM. J. SAUNDERS.

Contested election, first congressional district South Carolina.

JOHN S. RICHARDSON }
 vs. }
 JOSEPH H. RAINEY. }

For contestant, GEORGE T. DURGAN, Esq.

For contestee, ELIHU C. BAKER, Esq.

STATE OF SOUTH CAROLINA,
 Darlington County:

Testimony taken before William J. Saunders, notary public in and for the State of South Carolina, at Timmons ville, in the county of Darlington, and within the first congressional district of the State of South Carolina, in the matter wherein John S. Richardson contests the seat of Joseph H. Rainey in the Forty-fifth Congress of the United States from the first congressional district of the State of South Carolina, in furtherance of notice dated February 6, 1877, and served upon the contestee personally, said contestant appearing by his attorney, George T. Dargan, esq., and said contestee by his attorney, Elihu C. Baker, esq.

Deposition of Dr. J. F. Culpeper.

J. F. CULPEPER having been called as a witness for the contestant, after being duly sworn, testified as follows, to wit:

Question. Are you a resident of Darlington County, and were you here during the general election on the 7th of November?—Answer. I am, and have been for the past ten years.

Q. Could not the campaign be fairly said to have opened at Timmons-ville?—A. It could; the democrats had organized a club, but had made no arrangement for a meeting. The republicans had called a meeting at which we were asked by the local officers to participate; we accepted the invitation and appointed a committee, of which I was one, to make arrangements, also to build the platform, &c., which we did. The committee invited democratic speakers, among whom was the contestant, Col. John S. Richardson, General Harlee, Colonel Sellers, and others.

Q. Did they speak?—A. Joint discussion did not take place. It was rumored in the town before the day of meeting that the leaders of the republican party objected to a joint discussion, and that colored men were to.

B. F. Whittemore among others, T. C. Cox, Sam J. Keith, J. A. Smith the other.

On the day of the meeting special application was made to B. F. Whittemore and others to carry out the plan for joint discussion, and the same was refused.

Q. Did the contestant appear here to speak?—A. He did, but the republicans drew off from the place and carried on a meeting about one mile distant from the place agreed on.

Q. What reason had you for a joint discussion?—A. As an officer of the democratic club I knew that the desire was strong for a change in the government.

Q. What spirit was the campaign conducted in?—A. It was conducted peacefully and quietly. We were very desirous that the colored people should hear our speakers, therefore we were very anxious for joint discussion.

Q. Was no joint meetings held after that time?—A. No joint discussion was allowed after that time by the republican leaders in the county, but was refused whenever asked, which was done repeatedly.

Q. Was there any organized militia company in your section; and if so, by whom composed, and how organized and armed?—A. There was a company of colored militia organized, equipped, and armed with 82 Remington rifles; they were equipped on a war-footing; I saw metallic cartridges distributed to the men by the captain.

Q. How do the colored and white people stand as to numbers in this county?—A. The colored people have a large majority in the county.

(Objection was made by counsel for contestee as to so much of the answer of this witness as relates to the source from which said ammunition, above referred to, came, as it was only a matter of hearsay and not of knowledge.)

Q. Were not rifle-clubs, as such, organized in this county up to the time alluded to?—A. None that I knew of.

Q. When were United States troops sent into the county?—A. They arrived here on Friday night, November 3, and left about one week after the election; 56 men in all came here, 25 or 30 remained during the election, several squads having been sent off to Darlington, Florma, and Lynchburg.

Q. How far from the polls were they encamped?—A. They were en-

camped within sight of the polls, and within 100 yards as near as I can judge.

Q. State if there were any intimidation of colored voters by their own color.—A. I was United States supervisor on the day of election, and was within the house where the poll was held, and can't say what occurred outside. I noticed crowds of colored women at the polls, very noisy—singing songs. Late in the day, when most of the white men had retired from the poll, I saw them take a colored democrat and push him to the polls, and stand behind him till he had voted the republican ticket; can't say they forced him. They denounced colored democrats. This man belonged to our club. He voted the republican ticket.

Q. What effect, if any, had the proclamations of the President of the United States and the governor of the State upon the election?—A. Previous to the said proclamations the colored company of militia at this place was nearly extinct. Many colored men were joining us, but I was told by them that they were afraid to join and vote with the democrats on account of threats made by own color to kill or beat them if they did. After said proclamations disbanding the rifle-clubs, they were afraid the whites could not protect them, and they were afraid to vote with the whites. Before this, large numbers of colored people joined our democratic clubs, but after the proclamations disbanding the rifle-clubs were issued, our work was checked greatly on account of their fear that we would not be able to protect them as we had promised.

Q. Did you ever hear colored voters say that the United States troops came here to make them vote the republican ticket?—A. I have never heard that, but I did hear them say that they knew what they came for, and when democrats told them they came to protect colored democrats as well as others, they laughed at us, saying, "they knew what they came for." I was told by many colored people, after the troops came to the State, that they had changed their intention to vote the democratic ticket.

Q. Has there been any registration of voters of this county since the adoption of the present constitution?—A. None that I know of.

Cross-examined:

Q. Was it not understood that the democrats were to be at the meeting above spoken of, mounted and armed?—A. No, it was not.

Q. Was there not mounted and armed men in Timmons ville the night before the meeting spoken of above?—A. There was not a single mounted or armed man in Timmons ville the night before the meeting.

Q. What reason was assigned by the republican leaders for not permitting joint discussion?—A. The only reason given was, "We won't let them speak."

Q. Please name any colored voters who, previous to the arrival of the troops, announced their intention of voting the democratic ticket and afterward changed.—A. Among others, Samuel Green and Jack Green.

J. F. CULPEPER.

Sworn to and subscribed before me this 16th day of February, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS.

EXHIBIT A.

I certify that this ticket was filed by me as that identified by the witness J. F. Culpepper.

[SEAL.]

WM. J. SAUNDERS.

Darlington County.

For governor.—Wade Hampton.

Lieutenant-governor.—W. D. Simpson.

Secretary of state.—R. M. Sims.

Comptroller-general.—Johnson Hagood.

State treasurer.—S. L. Leaphart.

Attorney-general.—James Conner.

Superintendent of education.—H. S. Thompson.

Adjutant and inspector-general.—E. W. Moise.

Congress, first district.—J. S. Richardson.

Solicitor, fourth circuit.—W. W. Sellers.

Representatives.—W. C. Coker, H. L. Morris, J. C. Clements, A. F. Edwards.

Sheriff.—J. A. Law.

Clerk of court.—William E. James.

Probate judge.—T. George Dargan.

School commissioner.—W. A. Brunson.

Coroner.—M. A. Huggins.

County commissioners.—John Floyd, M. Marco, Solomon Bright.

Constitutional amendment.—Yes.

For presidential electors.—At large: Theo. G. Barker, Samuel McGowan. First district: Jno. W. Harrington. Second district: John Isaac Ingram. Third district: William Wallace. Fourth district: John B. Erwin. Fifth district: Robert Aldrich.

EXHIBIT A.

This ticket was filed and sworn to as the ticket voted at the last general election.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

FEBRUARY 27, 1877.

Union republican ticket.

For President.—Rutherford B. Hayes.

For Vice-President.—William A. Wheeler.

For presidential electors.—At large: Christopher C. Bowen, John Win-smith. First district: Thomas B. Johnston. Second district: Timothy Hurley. Third district: William B. Nash. Fourth district: Wilson Cook. Fifth district: William F. Myers.

For governor.—Daniel H. Chamberlain.

For lieutenant-governor.—Richard H. Gleaves.

For secretary of state.—Henry E. Hayne.

For comptroller-general.—Thomas C. Dunn.

For state treasurer.—Francis L. Cardozo.

For attorney-general.—Robert B. Elliott.

For state superintendent of education.—John R. Tolbert.

For adjutant and inspector-general.—James Kennedy.

For Forty-fifth Congress, first district.—Joseph H. Rainey.
For solicitor, fourth circuit.—Duncan D. McColl.
For house of representatives.—Richard H. Humbert, Samuel J. Keith, Zachariah Wines, Jackson A. Smith.
For sheriff.—Albert Baruch.
For clerk of court.—Theodore B. Gordon.
For judge of probate.—John Lunney.
For school commissioner.—Joshua E. Wilson.
For county commissioners.—Isaac P. Brockinton, Sylvester W. Williams, Boykin W. McIver.
For coroner.—Richard Lang.
Constitutional amendment—Yes.

Deposition of J. S. Beck.

J. S. BECK, having been called as a witness for the contestant, after being sworn, testifies as follows:

Question. Are you a resident of Darlington County, and were you present at the election on the 7th of November, 1876?—Answer. I am, and was.

Q. When did the United States troops arrive at Timmons ville?—A. They arrived the Friday before the day of election, under the command of one major, three lieutenants; there were 56 privates and non-commissioned officers—60 in all.

Q. How long were they here?—A. They were here seven days in all, but detachments were sent to Lynchburg and Darlington.

Q. How near to the polls were the troops placed?—A. About one hundred yards.

Q. Can you say that the presence of the United States troops had any effect upon said election; if so, what effect?—A. I know of one man who said he would have staid away from the polls if the troops had not been here; he voted the republican ticket. My opinion is, from common report and general observation, that the presence of the troops was detrimental to the democratic cause.

(Objected to as an expression of opinion.)

Q. Previous to this had not many colored men joined the democratic club?—A. Large numbers of colored voters had joined the democratic club at this place, but some subsequently withdrew. Others had promised to support the democratic ticket or to remain neutral.

Q. Did these men as a rule vote the democratic ticket?—A. Those who withdrew from the democratic club did not support the democratic ticket, but voted the republican ticket. Those who promised to remain neutral as a rule voted the republican ticket. It caused many negro voters to change their minds; at least I believe so.

(Objected to as an expression of opinion on the part of the witness.)

Q. Prior to the proclamations of the President of the United States and of the governor of this State, disbanding supposed organizations of armed white men, were there any such in this place?—A. There were none that I knew of.

Q. After those proclamations, were there any armed bodies of colored men?—A. There was a negro militia company, said to be commanded by one Owens. They were armed by what was called State rifles.

Q. How do you know this?—A. One day at the pump, eight colored

men came up with their rifles while I was standing there, and I saw and examined their rifles. I also saw said militia company of negroes parading the streets of Timmons ville after the proclamations.

Q. What effect, if any, had those proclamations?—A. They had the effect of inspiring the negroes with confidence and depressing the democrats.

Q. Was it not notorious that a system of terrorism was employed by republicans upon the colored people, tending to impair the freedom of the election?—A. It was notorious that such was the case.

(Objected to as being expression of opinion.)

Q. Can you of your own knowledge give any instances?—A. Yes. Dave Washington, a negro in my employ, who had joined our club, was threatened by republicans if he did not quit the club that they would turn him and his mother out of the house they occupied. He did quit the club, but subsequently rejoined it and voted the democratic ticket. I don't know whether he was turned out of his house or not.

Q. Do you know of any other instances?—A. I do not. On the day of election threats were made by colored men at the polls against voters of their own color.

Q. Did the democrats resort to other means than those of argument and persuasion to induce colored men to vote the democratic ticket?—A. I know of no other means resorted to by them.

Cross-examined:

Q. How long had the colored militia company spoken of been in existence?—A. It was in existence in Timmons ville when I came here in September, 1875.

Q. Were there any armed organizations of white men in existence, or any proposed or in progress of formation?—A. None that I knew of.

Q. Then, if none were in existence or in progress of formation or contemplation, what possible effect could the proclamations of the governor or President have had?—A. They made us laugh; I knew of no other effect.

Q. How many colored men had joined the democratic clubs previous to those proclamations?—A. I think about fifty.

Q. How many withdrew after they were issued?—A. I think about ten.

Q. Please state what you mean by persuasion?—A. Arguments addressed to their interests.

Q. What promises or threats, if any, were made to colored people at the election to induce them to vote the democratic ticket?—A. I promised my employes better wages and constant employment when we got a better government. I made no other.

Q. Is it not within your knowledge that the democratic clubs had adopted and published resolutions that they would not lease lands or furnish advances or supplies to colored men who should vote the republican ticket on November 7th, 1876?—A. It is not.

Q. Were you a member of the democratic club at Timmons ville previous to the last election?—A. I was.

Q. Do you not know that a resolution similar to the above was adopted at the said club?—A. There was. The meetings were public; and at one or more of them it was announced that such resolutions were adopted.

Redirect examination:

Q. How many votes did the preference policy make for the democratic party?—A. None.

Q. How many colored men voted the democratic ticket at this precinct?—A. Some eighty or more.

J. S. BECK.

Sworn to and subscribed before me this 28th day of February, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of Maj. R. D. F. Rollins.

R. D. F. ROLLINS, having been called as a witness for the contestant, and being duly sworn, testified as follows, to wit:

Question. Are you a resident of Darlington County, and were you present at the last general election of 7th of November, 1876?—Answer. I am and was.

Q. In what spirit was the campaign conducted by the democratic party?—A. Pretty lively; was quiet and systematic; nothing dishonorable.

Q. Did democrats invite republican speakers to joint discussion?—A. They did.

Q. Did they accept?—A. They did not; they refused to accept, nor were democratic speakers allowed to speak at republican meetings.

Q. Was John S. Richardson or not denied the right to address his fellow-citizens of the republican party?—A. He was; at the first meeting held at Timmons ville.

Q. What were the objects of the democratic party?—A. The aim of the democrats was honesty and reform of the government, and the republicans were appealed to bring about honesty and reform by uniting with the democrats in their efforts to reform the government; every effort was made to unite the two parties by the democratic party, they (the democrats) repeatedly pledging themselves to accord to the colored man every right enjoyed by him under the Constitutions of the State and the United States.

Q. What arguments were employed by republicans to influence colored democrats?—A. The republican leaders told the colored men that if voted the democratic ticket that they would be thrown back into slavery, when they (the democrats) should get into power; that their right of suffrage would be taken from them, and that it was only a money scheme of the old slaveholders to get possession of the government.

Q. Was the fact not notorious that a heavy pressure was brought to bear by colored republicans upon their own color, to restrain them from voting the democratic ticket?—A. The fact was notorious that a heavy pressure was brought to bear upon the colored voters by men of their own party, and especially by colored women.

Q. Do you know of any instances of intimidation?—A. I do know of instances of intimidation. In the case of George Montgomery and Joseph Kirkland; the women and their abettors kept them run away from their homes and from the democratic club-room. Those were the only cases I knew of my own knowledge.

Q. What effect, if any, had the proclamations of the President and governor, and the presence of the United States troops upon the election?—A. Reid English and Jack Byrd changed their minds after the troops came, and voted the republican ticket; two others who told me

they would vote the democratic ticket, for some reason unknown to me voted the republican ticket. Democrats had promised protection to colored men who should vote the democratic ticket, and the confidence of the colored men in the ability of the whites to protect them was impaired by the presence of United States troops and of the proclamations above spoken of. Colored people were so informed by Whittemore and his allies nightly in their meetings. In my judgment, the effect of the presence of troops and the proclamations was to change the result. I believe without these things having been brought to bear, that the democrats would have carried the election by an overwhelming majority.

(Objected to, being simply an expression of opinion on part of witness.)

Cross-examined:

Q. What means had the democrats to protect colored men before the proclamations which they did not have afterward?—A. I can say peculiarly they had none. I can't say politically.

Q. Had the white people before the proclamations any organized means of affording protection to colored men which they did not have afterward?—A. They did not.

Q. Were there any less white men in this county after the election than there were before?—A. There were not.

Q. Then is not your statement to that effect, made in your direct examination, based wholly upon hearsay?—A. It is not. It was upon what I had heard before the last election.

Q. Did you hear the threats made and see the violence spoken of as to particular parties named in your direct examination?—A. I did.

Q. Is it not within your knowledge that the democrats adopted and announced resolutions to lease lands or furnish supplies to no colored man who should vote the republican ticket on the 7th of November, 1876?—A. It was so in one club.

Redirect examination:

Q. As to means of democrats to afford protection to colored voters before the proclamations, which they did not have afterward, was not the confidence of colored voters impaired thereby, and by the presence of the troops was not that confidence shaken?—A. It was.

(Objected to; expression of opinion.)

Q. As to teachings of the republican leaders in the last campaign, can you not say that colored men were induced to believe they would be deprived of their rights if they voted the democratic ticket?—A. I can't say. I heard it.

Q. As to the land pledge, was not a distinction made or drawn between the national and State tickets?—A. Our teaching was to vote for Tilden and Hampton if for no other democratic vote.

R. D. F. ROLLINS.

Sworn to and subscribed before me this 28th day of February, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of Dr. Jas. F. Hunter.

Dr. JAS. F. HUNTER, having been called as a witness for the contestant, and being duly sworn, testified as follows, to wit:

Question. Are you a resident of Darlington County, and were you present during the last general election?—Answer. I am and was.

Q. Was Darlington County at peace prior to the proclamations of the President of the United States and the governor of this State disbanding white organizations?—A. It was, so far as I know.

Q. Was there any resistance to the service of process of the court?—A. None that I ever heard of.

Q. At the time of these proclamations, was there any white armed organizations in this county?—A. None that I knew of.

Q. What was the purpose of the organization of the democratic clubs?—A. It was to elect our candidates and to reform our State and county governments.

Q. After the proclamations were there any armed organizations of colored men in this county at this precinct?—A. A military company of colored men, under the authority of Governor Chamberlain, armed with State arms and numbering fifty or sixty men paraded the streets of this town under arms.

Q. What is your profession, and did it not bring you into frequent contact with the colored people?—A. I am a practicing physician, and I frequently visited colored men at their houses.

Q. Can you speak as to the effect of the proclamations and the presence of United States troops upon the election?—A. From my intercourse with them I can say the effect of the proclamations was to encourage them. I am sure the presence of the United States troops changed many votes against us.

(Objected to as an expression of opinion.)

Q. Is it not true that heavy pressure was brought to bear upon colored republican voters by their own color?—A. It is true this pressure caused many to vote differently from what they would have done if let alone. The result of the election in this county would have been different if these influences had not existed. Have heard parties say that they were afraid to vote with the white people.

No cross-examination.

JAMES M. HUNTER.

Sworn to and subscribed before me this 28th day of February, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of W. W. Moore.

W. W. Moore, having been called as a witness for the contestant, after being duly sworn, testified as follows:

Question. Are you a resident of Darlington County, and were you here on the occasion of the election of 7th November, 1876?—Answer. I am, and was.

Q. Have you heard the deposition of Dr. Culpepper read in full, and is the same substantially true?—A. It is, with the exception of facts relating to the action of committee appointed at the first meeting at Timmons ville, and also as to conversations, testified to by him, had with colored persons, as to which I have no knowledge.

No cross-examination.

W. W. MOORE.

Sworn to and subscribed before me this 28th day of February, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of Henry Perry, (colored.)

HENRY PERRY, having been called as a witness for the contestant, after being duly sworn, testified as follows, to wit:

Question. Are you a resident of Darlington County, and were you present at the last general election, 7th of November, 1876?—Answer. I am, and was.

Q. Were you a member of the democratic club at this place?—A. I was.

Q. State what occurred to you on the day of the election?—A. After I had voted on the day of the election I staid away from home for several days.

Q. Why was that?—A. I did not want to have any fuss with my wife in consequence of voting the democratic ticket. After the speaking of Whittemore and others she got after me about being a democrat.

Q. Were the colored democrats threatened, abused, or interfered with by the republicans?—A. I was not, but have heard others abused. Abram Brown is the only one I know of; colored republicans threatened to beat him; Joe Slaughter was abused by same parties.

Cross-examined:

Q. Who abused Joe Slaughter?—A. Joshua Daniels and B. O. Holloway.

Q. What did they do to him?—A. They threw him out of the public school-house.

Q. Was it at a political meeting of the republicans? If so, what did he do?—A. It was. He did not speak nor offer to speak. They told him to go out, when he refused; they then put him out.

Q. Did you see or hear any one abuse Abraham Brown?—A. I only heard of it from others. He told me of it before the election himself.

Q. Who do you work for?—A. For Calvin Strother, a colored democrat.

Q. What do you do?—A. I am a blacksmith.

Q. How many days did you stay from home?—A. Was away from home three days after the election.

Q. Where did you stay after the meeting spoken of?—A. From the meeting spoken of up to the election I staid at home.

Q. Did your wife ever beat you?—A. No, sir.

Q. Did any one ever beat you?—A. No, sir.

Q. Has any one beat you or interfered with you on account of your vote?—A. No, sir.

Redirect examination:

Q. Could a timid colored man have voted at this precinct at the last election?—A. He could not without difficulty, in my opinion. I am not afraid of anybody.

HENRY ^{his} + PERRY.
mark.

Sworn to and subscribed before me this 28th day of February, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Yanty Byrd, (colored.)

YANTY BYRD, having been called as a witness for the contestant, after being duly sworn, testified as follows:

Question. Are you a resident of Darlington County, and were you present at the general election of November 7, 1876?—Answer. I am, and was.

Q. Were you a member of the democratic party?—A. I am, and have been since the war, and expect to remain so.

Q. Have you ever been threatened, abused, or disturbed on account of being a democrat?—A. I have been cursed, abused, and threatened to be whipped for being a democrat; they double-teamed me once, and have attempted to whip me several times.

Q. Was violence used or threatened against other democrats, colored?—A. O, yes. I heard Abraham Brown's son threaten to whip him coming from the Hampton meeting at Darlington Court-House, the Saturday before the election.

Q. Were colored men prevented from voting the democratic ticket by others of their own color?—A. Many colored men were prevented from voting the democratic ticket by their own color; many have told me so since the election.

Q. Could any but a bold man of your color vote the democratic ticket?—A. No, sir.

Q. Were not the colored people told by B. F. Whittemore and others to fire the woods on the day of election, to keep the democrats at home to fight fire?—A. He told them if the women could not control their husbands that they must set fire to the woods to keep democrats at home.

Q. What sort of day was the 7th of November?—A. It was rainy in the morning, and the night previous.

Cross-examination:

Q. Did you hear Whittemore, or anybody else, make the statement above related?—A. I did not. My wife told me she heard him say so. I did not go to any of their meetings.

YANTY ^{his} + BYRD.
mark.

Sworn to and subscribed before me this 28th day of February, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of Calvin Strother, (colored.)

CALVIN STROTHER, having been called as a witness for the contestant, after being sworn, testified as follows:

Question. Are you a resident of Darlington County, and were you present at the general election of 7th November, 1876?—Answer. I am, and was.

Q. Were you a member of the democratic club?—A. I was.

Q. Were colored democrats abused, threatened, and disturbed by their own color, on account of their politics?—A. They were, as a general thing. A great many colored men had said to me that they did not

blame white men for being democrats, but as to black men they could not well understand it.

Q. Was not a great pressure brought to bear upon colored voters by men of their own color?—A. Yes. I believe if it had not been for this pressure brought to bear by colored voters upon their own color, many of them would have voted the democratic ticket. I don't know, but I think there was also pressure on the part of democrats against republicans. But for the influences spoken of, I think there would have been more democratic than republican votes.

Cross-examination :

Q. Did you hear of threats made by Whittemore and others to burn the woods to keep democratic land-owners at home?—A. I had heard of firing the woods. My son, a small boy, was at the meeting and told me that Mr. Whittemore did not say that they must fire the woods, but that he (Whittemore) had heard say that on election day, when they went off to vote, woods were set on fire, and employers would have to stay at home and fight fire.

C. STROTHER.

Sworn to and subscribed before me this 28th day of February, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of Dr. J. E. Byrd.

Dr. J. E. BYRD, having been called as a witness for the contestant, after being duly sworn, testified as follows, to wit :

Question. Are you a resident of Darlington County, and were you present at the general election of the 7th of November, 1876?—Answer. I am, and was.

Q. What is your occupation?—A. Druggist, and limited practice as a physician.

Q. Have you heard the deposition of Maj. R. D. F. Rollins, in chief, read; and is same substantially true?—A. I have heard it, and it is true.

Cross-examination :

Q. Did you hear the whole deposition of R. D. F. Rollins read, as given this morning?—A. I did.

Q. Do you indorse the same as being substantially true?—A. I do.
J. E. BYRD.

Sworn to and subscribed before me this 28th day of February, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of Jesse E. Keith.

JESSE E. KEITH, having been called as a witness for the contestant, after being duly sworn, testified as follows, to wit :

Question. Are you a resident of Darlington County, and were you here on the day of election, 7th November, 1876?—A. I am, and was.

Q. What is your occupation?—A. I am a merchant, and was intendant of the town of Simmonsville at the time of the last general election.

Q. Was there any unusual disturbance of the peace at the time of the arrival of United States troops, or any resistance to lawful authority, or any difficulty in the service of process of the courts?—A. None whatever.

Q. What effect had the presence of the troops upon the colored voters?—A. I think it encouraged the colored voters. There was a change in the colored people after the troops passed through.

Q. Had not the whites promised protection to the colored people who voted the democratic ticket?—A. They had.

Q. Was not the confidence of colored voters in the ability of the whites to afford them protection weakened by the presence of the United States troops?—A. I think it was.

(Objected to as being expression of opinion.)

Q. Did presence of the troops have any effect upon the government of the town?—A. It did. One instance of it was when Captain Ragsdale attempted to arrest two colored men, named Niel Charles and Reid English, when they refused to be arrested except by United States troops. They afterward submitted to arrest by myself and a town marshal.

Q. Did not an impression prevail among the colored people that the troops were sent here in the interest of the republican party?—A. I think that it did.

(Objected to as expression of opinion.)

Cross-examination:

Q. What means did democrats have to protect the colored people, before the arrival of the troops, that they did not have afterward?—A. We had no means that could be opposed to United States troops. We proposed to protect republicans as much as democrats.

Q. Did the United States troops deprive the democrats of any means of protecting voters?—A. No; they were not called on.

Q. Did the United States troops interfere with the election, or with the rights of citizens to vote?—A. They did.

Q. In what way?—A. From the fact that the republican party represented the troops as being here in their interest. They did not interfere in any way with the right of the citizen to vote.

JESSE E. KEITH.

Sworn to and subscribed before me this 28th day of February, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of David Strother.

DAVID STROTHER, (colored,) having been called as a witness for the contestant, after being sworn, testified as follows, to wit:

Question. Are you a resident of Darlington County, and were you here on the day of last election, 7th of November, 1876?—Answer. I am, and was.

*Q. Were you a member of the democratic club?—A. I was.

Q. Were you, as a member of the church, threatened to be turned out in consequence of your political opinions?—A. I am a member of the Methodist Episcopal Church, and class-leader. Was not threatened

with being turned out, but was, to some extent, opposed as class-leader and superintendent of Sunday-school.

DAVID ^{his} + STROTHER.
mark.

Sworn to and subscribed before me this 28th day of February, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of Abraham Brown.

ABRAHAM BROWN, (colored,) having been called as a witness for the contestant, after being sworn, testified as follows, to wit:

Question. Are you a resident of Darlington County, and were you present at the last general election of 7th of November, 1876?—Answer. I am, and was.

Q. Were you a member of the democratic club at this place, and were you abused and threatened on account of your politics?—A. Yes; I was abused and threatened several times at my house; my life was threatened.

Q. By whom?—A. By Stephen Wood and Sniffin Davis. My son told me he never expected to come to my house again.

Q. Was it not a common thing for colored democrats to be threatened by their own color?—A. It was.

Q. Did this abuse keep colored men from voting the democratic ticket?—A. I think it did.

ABRAHAM ^{his} + BROWN.
mark.

Sworn to and subscribed before me this 28th day of February, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of Capt. L. R. Ragsdale.

L. R. RAGSDALE, having been called as witness for the contestant, after being sworn, testifies as follows, to wit:

Question. Are you a resident of Darlington County, and were you present in the county on the 7th day of November, 1876?—Answer. I am and was.

Q. What effect, if any, had the presence of troops of the United States upon the election?—A. It was very disastrous to the democratic cause in this county. Up to the time of the issuing of the proclamations of the President and governor of the State disbanding the so-called white organizations, we were getting large accessions of colored men at every meeting; but after this the leaders of the republican party made use of the said proclamations to intimidate all the colored men who joined us. The militia company had disbanded, but after this the company was reorganized and was furnished with 5,000 rounds of car-

tridges from Columbia, and became very boisterous and threatening. The colored men, under this state of things, were deterred from joining our organization, and some who had joined the democratic club were forced to leave it. Large numbers of colored men told me that they were anxious to join the democratic party but were afraid to do so.

This military company would drill in the streets with loaded guns to prevent colored men who desired to do so from attending the meetings of the democratic club. I believe, if it had not been for the use made of these proclamations, that the democratic party would have carried the county by a large majority. A number of colored men have told me since the election that they were afraid to vote the democratic ticket on the 7th of November, and staid away from the polls, and did not vote at all. I am a merchant, doing business at Timmons ville, S. C., and have large dealings with people all over the county, and am convinced that the above statement is correct and true.

All the meetings of the republican party were attended by large numbers of negroes armed with State rifles.

Q. Was it not notorious that intimidation was employed by republicans tending to impair the freedom of the election?—A. The fact of intimidation was notorious. The wives of negroes who joined the democratic party were advised by the leaders of the same to quit them, and numbers of the negroes who had joined the party went out in order to retain their wives. I have been informed of this by many of them since. On the day of election the negro women surrounded the poll in large numbers, and remained there through the day, preventing those who desired to vote the democratic ticket from doing so; that numbers of the colored men were beaten in that section on account of their politics. On the same day negro preachers came to the poll, and persuaded the negroes not to vote the democratic ticket. The presence of United States troops within one hundred yards of the poll lost us many a vote; that the argument was used that the troops were there to see that the negroes voted the republican ticket.

Q. Did the republican leaders make use of the argument that the democrats would put the negroes back into slavery if they got into power?—A. They did. I heard all the leading speakers of the republican party, viz, Whittemore, Gordon, Baruch and others, on Saturday before the election on Tuesday following, at a large meeting held at Timmons ville, use the identical language.

Q. Were there any instances of illegal voting?—A. Yes, sir; boys under age were voted at the Timmons ville precinct, some twenty or more. I challenged these votes, but the managers allowed them to vote upon their taking the oath.

Q. What was the conduct of the deputy United States marshals at your precinct?—A. Extremely partisan—interfering with the democratic colored voters.

L. R. RAGSDALE.

(The whole of the above is objected to as being matters of hearsay and expression of opinion.)

Sworn to and subscribed before me this 2d of March, 1877.

[SEAL.]

WM. J. SAUNDERS.

The above deposition was taken after the time named in the notice to take testimony, at Timmons ville, the witness being absent in the city of Charleston on that day. Counsel for contestee raising no objection, his testimony was taken subsequently and attached to the depositions

taken at Timmons ville, counsel for contestee having first read over the deposition of the witness and entered his objections as given above.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

STATE OF SOUTH CAROLINA,
Darlington County:

I, William J. Saunders, in and for the State aforesaid, do hereby certify that, in pursuance of the notices duly given and served, one upon the contestee, personally, on the 6th day of February, A. D. 1877, and one on the attorney of the contestee, on the 17th day of February, A. D. 1877, in the case of John S. Richardson, contesting the seat of Joseph H. Rainey, returned member of the Forty-fifth Congress of the United States of America from the first congressional district of South Carolina, the above testimony, consisting of pages, was duly taken in behalf of the contestant, appearing in person, on the 16th day of February, and subsequently by his counsel, T. Geo. Dargan, esq., at an adjourned examination, on the 28th day of February, A. D. 1877, and the said contestee, by his attorney, Elihu C. Baker; that all the within-named witnesses were duly sworn by me, and testified before me as above written; which said testimony was written by me as deposed by said witnesses, and subscribed to by them and each of them respectively, as appears by their and each of their respective signatures or marks at the end of their and each of their respective depositions. I further testify that I have attached thereto all necessary exhibits.

In testimony whereof I have hereunto set my hand and official seal, at Timmons ville, in the county of Darlington, State of South Carolina, this 28th day of February, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

No. 10.

DEPOSITIONS TAKEN AT DARLINGTON C. H., DARLINGTON CO., S. C.

Notice to take testimony.

JOHN S. RICHARDSON, CONTESTANT,	} Contested election.
vs.	
JOSEPH H. RAINEY, CONTESTEE.	

STATE OF SOUTH CAROLINA,
First Congressional District:

To Hon. JOSEPH H. RAINEY, *Washington, D. C.:*

You will take notice that on the 20th day of February, instant, and from day to day thereafter, at Darlington Court-House, in the county of Darlington, South Carolina, before William J. Saunders, notary public, I shall proceed to take testimony to be read and used in evidence in the above-entitled cause, and will examine the following named persons, to wit, all residents of Darlington County, South Carolina, in said congressional district: W. F. Early, J. F. Early, J. B. White, A. F. Edwards, A. C. Spain, John O. Wilson, A. S. White, D. D. Evans, J. C. Clements, A. B. Dove, C. K. Rogers, H. E. P. Sanders, Judge C. P. Townsend.

Respectfully,

JNO. S. RICHARDSON.

SUMTER, S. C., *February 6, 1877.*

Notice to take additional testimony.

JNO. S. RICHARDSON }
 vs. } Contested election.
 JOS. H. RAINEY. }

STATE OF SOUTH CAROLINA,
First Congressional District:

To Hon. JOS. H. RAINEY, or his Attorney:

You will take notice that, in addition to the witnesses whose names have already been furnished you, I shall examine the following witnesses before Wm. J. Saunders, notary public, as follows, all being residents of Darlington County, to wit: At Darlington Court-House on the 21st instant, and from day to day thereafter: T. J. Cannon, John H. Kelly, Dr. H. J. Lee, Ezra A. Hudson, R. I. Humphreys, Edwin Stokes, E. R. Griffin, J. W. Ferguson, C. J. Woodruff, Mannel Marco, Wm. Bradley, John Floyd, Geo. W. Earle, Dr. B. C. Norment, Rapran McIntosh, and J. E. Williamson. At Society Hill on the 21st instant, and from day to day thereafter: Ralph McLendon, C. H. Race, J. C. Field, E. J. Mimo, Max B. Ganay, B. C. Pressley, and H. E. Fountain. At Timmons ville, Darlington County, S. C., on the 28th instant, and from day to day thereafter: Henry Perry, Zanty Byrd, George Montgomery, Joseph Slaughter, John McQueen, Joe. Hamlin, Abram Brown, Jos. McRae, Henry Langston, W. J. Carter, and H. E. C. Fountain. And at Florence, S. C., on the 23d day of February next, and from day to day thereafter: J. F. Middleton, James Allen, F. M. Rogers, T. W. Williamson, J. W. Fountain, Wm. McKenzie, Wm. Jackman, S. T. Burch, R. B. Nettles, W. J. Norris, B. G. Butler, J. D. McCall, A. J. W. Bacot, W. J. DuBose, Boyd Glasgow, Siras Borax, T. J. Hartlee, W. P. Cole, W. P. Gee, S. O. McCown, Sam'l Blackwell, Jno. B. McLoreen.

Respectfully,

JNO. S. RICHARDSON.

SUMTER, S. C., *February 17, 1877.*

I hereby acknowledge that a copy of this notice was served on me this day.

ELIHU C. BAKER,
Attorney for Contestee.

FLORENCE, *February 20, 1877.*

STATE OF SOUTH CAROLINA,
Darlington County:

I, Wm. J. Saunders, a notary public, do hereby certify that the following affidavits were made before me at the places named in the above notice, and that the testimony which follows was duly taken, subscribed, and sworn to before me on the dates given in said notices, and on subsequent days thereafter, as noted at the time of subscribing the same by the witnesses named at the head of each deposition.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of W. F. Early.

W. F. EARLY, being called as a witness for the contestant, after being duly sworn, testified as follows, to wit:

Question. Are you a resident of Darlington County, and were you a resident here before and during the last general election?—Answer. I was.

Q. At what precinct did you vote?—A. At Lydia precinct.

Q. Do you know of a colored man by the name of Sam'l Luke?—A. I do.

Q. Did you see him vote at Lydia precinct?—A. I did; he voted in the forenoon, and voted the democratic ticket.

Q. Do you know of any instances of illegal voting?—A. I do; Larry Baker, Jerry Johnson, and Andy Johnson, jr.

Q. In what respect were their votes illegal?—A. They were minors.

Q. At what precinct did they vote?—A. At Darlington precinct.

Q. Do you know of any instance of intimidation?—A. I do. Jordan Simon agreed to vote the democratic ticket with me; was going to the poll to do so with me; went home for his horse, and on his return he changed his mind, stating as his reason that he could not live with his wife in peace if he did so. He stated to me that he voted the republican ticket.

Q. Were you in the county at the time of the issuing of the proclamations of the President of the United States and of the governor of this State shortly before the election of the 7th of November last?—A. I was.

Q. Did peace and good order prevail in this county at that time or not?—A. It did so far as I know.

Q. Was the process of the courts obstructed or not?—A. Not that I know of.

Q. Was there or not any organized resistance to lawful authority?—A. Not that I know of.

Cross-examined:

Q. You state that you know several instances of illegal voting; what reason have you for saying that the parties named in your direct examination, voted illegally?—A. They were too young to work the road, and from information received, I believe them too young to vote.

Q. Did you see them vote at Darlington precinct?—A. I did not, but saw their names upon the register, and they acknowledged to having voted.

Q. Do you not know that there are many men in this county bearing the same name?—A. I do know of some, but not of the parties I mentioned.

Q. Just previous to the issuing of the governor's proclamation, or that of the President of the United States, was there or not any rifle or saber clubs in this county?—A. Not to my knowledge.

Q. Were there any social mounted clubs, or clubs by any other name, existing at or about that time in Darlington County?—A. There were.

Q. What was the purpose and intent of said clubs, so far as you knew?—A. The purpose of our club was to organize and try and induce as many as possible to organize with us to vote to overthrow this corrupt government, and also for the protection of our homes.

Q. Were these mounted clubs armed or unarmed before the election?—A. They were unarmed.

Q. Did not any or all of the members of said club, have one or more pistols on each turn-out?—A. If they did I did not see them.

Q. Did you belong to said club and did you turn out with them, and, if so, did you have a pistol?—A. I belonged to said club, and sometimes had my pistol.

Q. Was there a democratic club in your neighborhood?—A. There was.

Q. Was there any understanding or agreement among the members of your club, that they would not sell or lease lands or give credit to colored people who voted the radical ticket at the last election?—A. There was not.

Q. Did not the members of your club, as well as other clubs, agree among themselves that they would not lease lands or give credit to colored people who voted or proposed to vote contrary to the wishes of the democratic party?—A. We agreed not to rent them lands or credit them, but we could sell the lands to them, or hire them for wages.

Q. Was not this the general understanding of all the democratic clubs in this county, so far as you know or have information?—A. So far as I know, I believe it was.

Q. Was not this understanding and agreement proclaimed at public meetings in this county, and also published in the newspapers?—A. Not to my knowledge.

Q. Do you know of instances where men were told that they could not hire land or have credit for the next year if they voted the radical ticket?—A. I do.

Redirect:

Q. Do you know of any instances where colored men were deterred from voting as they wished, by reason of the agreement referred to in the cross-examination?—A. I do not.

Q. Can you say that the said agreement had any effect upon the said election?—A. It did not, so far as I know; and it did not in my section.

Q. How did the colored people vote, as a rule, in the last election?—A. The republican ticket.

Q. You have said in your cross-examination that your club was organized in part for the protection of your homes; state why this was necessary.—A. From threats of burning, which were current, it was necessary to organize our social clubs for the protection of our homes.

W. F. EARLY.

Sworn to and subscribed before me this 20th day of February, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of J. F. Early.

J. F. EARLY, being called as a witness for the contestant, after being duly sworn, testified as follows, to wit:

Question. Are you resident of this county, and were you so on the 7th of November, 1876?—Answer. I was.

Q. Where were you on the 7th of November, 1876?—A. I was at Darlington Court-House, at poll No. 1.

Q. Did you or not assist at the counting of the votes?—A. I did; at the request of the managers I was present at the counting of the votes of the whole county.

Q. Did the county canvassers, in canvassing the vote, recount the original ballots?—A. They did; they recounted the original votes in all the precinct boxes of the county.

Q. Did a colored man, by name of T. A. Echols, vote at Darlington precinct on the 7th of November last?—A. I saw his name upon the poll-list, and he acknowledged to me having voted.

Q. Can you say what ticket he voted?—A. He told me that he voted the republican ticket.

Q. Did he or not acknowledge to you having voted the same day at Leavenworth precinct, in said county?—A. He did.

Q. What tickets were voted for at said election?—A. Democratic and republican.

Q. Could these tickets be distinguished by their general appearance?—A. Yes, sir; the democratic ticket was printed on thin white paper, in black ink; the republican ticket on thicker paper, in red ink.

Q. Can you say that every ticket printed in red ink, at box No. 2, was for the republican nominees?—A. They were.

Q. Do you know of any instance of intimidation?—A. Yes, sir; Henry McGill stated to me that he voted the democratic ticket with fear and trembling.

(Objected to; the witness states that he did not see him vote it, but heard him say so.)

Q. Was it or not notorious that terrorism was brought to bear upon the colored voters to induce them to vote the republican ticket?—A. I never saw in my life more intimidation at an election.

Q. Was this intimidation employed by democrats or republicans?—A. By republicans.

Q. What political party was benefited by this intimidation?—A. The republican.

Q. Do you know of any instances of colored men being prevented from voting the democratic ticket by reason of this intimidation?—A. I do know of several instances, but as I have not my memorandum with me I cannot give the names.

Q. Were there or not United States soldiers brought into the town, shortly before the election?—A. Yes.

Q. When were they withdrawn?—A. Shortly after the election.

Q. Can you say, from personal observation, what effect their presence had upon the republican voters?—A. My impression was that the republican leaders were elated at their presence.

Q. Did their presence strengthen the cause of the republican party?—A. It did.

(Objected to, as an expression of an opinion only.)

Q. Did you, at or before the proclamations of the President of the United States and the governor of this State ordering certain supposed armed organizations to disband, see any armed bodies of white men parading in this county?—A. No.

Q. Did you after the issuing of these proclamations see bodies of armed colored men parading?—A. I did not.

Q. Was there or not a colored militia company in this town at or near the time of the last election?—A. Yes, sir.

Q. Did you or not see them with their arms?—A. I saw them with their arms.

Q. Do you know that any arms were deposited near the poll on the day of election?—A. Yes.

Q. Were they deposited by white or colored men, democrats or republicans?—A. Can't say by whom.

Q. By whom were they withdrawn?—A. By men whom I recognized as colored republicans and members of the militia.

Q. From what place were they withdrawn?—A. From the jail, about 30 feet from the poll.

Q. When were they withdrawn?—A. Immediately after the election.

Q. Can you say what were the character of those arms?—A. They were breech-loading Remington rifles.

Q. Who was in command of this militia company?—A. Capt. Samuel J. Keith appeared to be in command.

Q. Was he or not a candidate for office upon the republican ticket?—A. He was a candidate for member of the legislature upon the republican ticket.

Q. Who was the jailer?—A. Joe Douglas was jailer under T. C. Cox, sheriff.

Q. To what party did he belong?—A. Radical republican party.

Q. What political party largely predominated in Darlington County?—A. Republican.

Q. What party, prior to the said election, had filled all the offices of trust and profit in this county?—A. Republican.

Cross-examined:

Q. You stated in your direct examination that the tickets of the republican and democratic parties could be distinguished by their color; do you not know that there were tickets at the polls at Darlington Court-House printed upon similar paper, and of the same size, and printed in the same colored ink as the republican ticket, and yet bearing the names of the democratic candidates, or some of them?—A. No.

Q. You have stated that you counted or assisted at the count of the votes of each precinct; did you not find some votes as indicated in the question above?—A. No. I think it is due to myself to state that I found about eight votes differing from those described in my direct examination.

Q. In what respect did they differ?—A. They were printed upon thin paper, with a pale red ink, and much longer than the republican ticket.

Q. Were they of the same width?—A. They were narrower, I think.

Q. Did this spurious ticket bear the names of republican or democratic candidates in whole or in part?—A. Those that I saw did bear the names of democratic candidates.

Q. In your opinion, was the ticket one which would be likely to deceive or mislead a voter who was not able of himself to read or distinguish the vote he intended to throw, in any other way than by the size, color, or shape of the ticket?—A. Of course it could deceive. It was not, however, used for that purpose.

(Objected to, as an expression of an opinion.)

Q. Is it not within your knowledge that several such votes were thrown at Darlington Court-House and other precincts in said county? If so, how many?—A. At Darlington Court-House I knew of three. In the whole county, about eight.

Q. Was it not the understanding and agreement among the democrats of this county that they would not, for the coming year, lease lands or give credit to colored persons who should vote the radical ticket at the election of November 7, 1876?—A. There were some democrats who agreed not to advance to persons voting the State radical ticket, they disclaiming any opposition to the national republican party.

Q. Did the United States troops interfere with the election?—A. They did.

Q. In what way?—A. Negroes reported to me that word had been sent to them that if they did not come in and vote the republican ticket that United States soldiers would be sent for them.

Q. Do you of your own knowledge know of the fact of United States soldiers interfering in any way with the election?—A. No, sir.

Q. At what time, if you know, were arms deposited in the jail?—A. They were deposited about midnight of the day before, or on the morning of the day of the election.

Q. Were those arms used or exhibited in any way at or near the polls on the day of election?—A. Not to my knowledge.

Q. Did not the citizens or officers of the town of Darlington call upon the United States troops to guard those arms; and did not the troops, in response, take charge of the same, and keep them under guard for some time? If so, when did they come, and how long did they stay?—A. Don't know. Saw a sentinel in front of the jail where the arms were deposited, and think he remained about twelve hours.

Redirect examination :

Q. Can you say that any republican voters were misled by the ticket described in your cross-examination?—A. No, sir.

Q. Do you know for what purpose those tickets were issued? If so, state it.—A. The purpose, as I understood it, was to enable the colored people to vote the democratic ticket without molestation.

(Objected, for the reason that the answer itself shows an intention of deceit or fraud upon the voter.)

Q. Can you say that any colored voter was deterred from voting as he wished, by reason of the agreement referred to in your cross-examination?—A. I know of none such.

J. F. EARLY.

Sworn and subscribed before me this 20th day of February, A. D. 1877.
[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of J. B. White.

J. B. WHITE, having been called as a witness for the contestant, after being duly sworn, testified as follows, to wit :

Question. Are you a resident of Darlington County?—Answer. I am.

Q. Where were you upon the 7th of November, 1876?—A. At Darlington Court-House.

Q. Did you act in any official capacity?—A. I was one of the managers of election at box No. 2 at Darlington precinct.

Q. Before whom did you qualify as such?—A. Before E. C. Baker, United States commissioner.

Q. Was your oath filed in the clerk's office?—A. I left it there to be filed with the deputy clerk.

Q. Do you know a colored man by the name of Samuel Luke?—A. Yes, I do.

Q. Did he or not vote at the poll at which you were a manager on the 7th of November last?—A. He did.

Q. In the forenoon or afternoon?—A. I think it was in the afternoon.

Q. What ticket did he vote?—A. I judge from the appearance of the ticket, being in red ink, that it was the republican ticket.

Q. Were all the voters sworn?—A. Yes, sir.

Q. Was there any disorder at the polls?—A. There was fuss and loud talking, but no disorder; there was a great crowd at the polls so as to press upon the table upon which the box was, so much so that we could not proceed until they became quiet enough for us to proceed with the ballot.

Q. What was the political character of this crowd about the poll?—A. Republican.

Q. What tickets were voted for at this election?—A. There were two, the democratic and republican, upon each of which were the candidates of the State and county, also candidates for Congress and presidential electors.

Q. Whose name appeared as a candidate for Congress upon the republican ticket?—A. Joseph H. Rainey.

Q. Whose upon the democratic ticket?—A. John S. Richardson.

Q. Can you identify these as the tickets voted for?—A. I can.

(The same were produced and are herewith filed as Exhibits A and B.)

Cross-examined:

Q. As to Samuel Luke, was your attention particularly called as to his vote; if so, by whom; if not, how happened you to remember his individual vote?—A. My attention was particularly called to his vote by Mr. W. F. Early.

Q. Was W. F. Early present at the poll when you were manager, at or before the time of Luke's vote?—A. I do not remember having seen him at the poll.

Q. When did Mr. Early call your attention to Luke's vote?—A. I think it was the day after the election.

Q. Did you examine or note the votes of other parties than that of Samuel Luke, so as to be able to testify as to the character of the vote?—A. Yes; there were other parties that I could testify as to how they voted.

Q. Was there anything which particularly called your attention to Luke's vote until Mr. Early called your attention to it the day after the election?—A. From the simple fact that I knew that he lived a good ways from this precinct.

Q. Did you see any more disturbance in the way of electioneering than at any previous election in Darlington County?—A. The crowd was larger than I had ever noticed before, and consequently more disturbance.

Q. About how many votes were polled at that box?—A. I don't remember, but think it larger than usual.

Q. How was the ballot-box situated at the poll of which you were manager?—A. The ballot-box was on a table, just inside the door, the managers and clerks sitting and standing around the ballot-box, inside the house. The voters approached from the outside, but did not enter the house to vote.

Q. Did you see any ticket, in form, size, and color of ink similar to the republican ticket, bearing the names of democratic candidates, at the polls that day?—A. I did not.

Q. Did you examine and count the votes polled at your box; if so, did you discover any such votes as are alluded to in the previous question?—A. I did examine and count, but did not find any such votes.

Redirect examination:

Q. Do you know of any colored men who voted the democratic ticket

on that day?—A. I know of but one, but think there may have been a few others.

(So much of the answer objected to as is an expression of opinion.)

J. B. WHITE.

Sworn to and subscribed before me this 21st day of February, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

EXHIBIT A.

I certify that this ticket was filed by me as that identified by the witness J. B. White.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Union republican ticket.

For President.—Rutherford B. Hayes.

For Vice-President.—William A. Wheeler.

For presidential electors.—At large: Christopher C. Bowen, John Win-smith. First district: Thomas B. Johnston. Second district: Timothy Hurley. Third district: William B. Nash. Fourth district: Wilson Cook. Fifth district: William F. Myers.

For governor.—Daniel H. Chamberlain.

For lieutenant-governor.—Richard H. Gleaves.

For secretary of state.—Henry E. Hayne.

For comptroller-general.—Thomas C. Dunn.

For State treasurer.—Francis L. Cardozo.

For attorney general.—Robert B. Elliott.

For State superintendent of education.—John R. Tolbert.

For adjutant and inspector general.—James Kennedy.

For Forty-fifth Congress, 1st district.—Joseph H. Rainey.

For solicitor, 4th circuit.—Duncan D. McColl.

For house of representatives.—Richard H. Humbert, Samuel J. Keith, Zachariah Wines, Jackson A. Smith.

For sheriff.—Albert Baruch.

For clerk of court.—Theodore B. Gordon.

For judge of probate.—John Lunney.

For school commissioner.—Joshua E. Wilson.

For county commissioners.—Isaac P. Brockinton, Sylvester W. Williams, Boykin W. McIver.

For coroner.—Richard Lang.

Constitutional amendment.—Yes.

EXHIBIT B.

I certify that this ticket was filed by me as that identified by the witness J. B. White.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Darlington County.

For governor.—Wade Hampton.
Lieutenant governor.—W. D. Simpson.
Secretary of state.—R. M. Sims.
Comptroller-general.—Johnson Hagood.
State treasurer.—S. L. Leaphart.
Attorney-general.—James Conner.
Superintendent of education.—H. S. Thompson.
Adjutant and inspector general.—E. W. Moise.
Congress, first district.—J. S. Richardson.
Solicitor, fourth circuit.—W. W. Sellers.
Representatives.—W. C. Coker, H. L. Morris, J. C. Clements, A. F. Edwards.
Sheriff.—J. A. Law.
Clerk of court.—William E. James.
Probate judge.—T. George Dargan.
School commissioner.—W. A. Brunson.
Coroner.—M. A. Huggins.
County commissioners.—John Floyd, M. Marco, Solomon Bright.
Constitutional amendment.—Yes.
For presidential electors.—At large: Theo. G. Barker, Samuel McGowan.
 First district: Jno. W. Harrington. Second district: John Isacc Ingram. Third district: William Wallace. Fourth district: John B. Erwin. Fifth district: Robert Aldrich.

Deposition of A. F. Edwards.

Col. A. F. EDWARDS, having been called as a witness for the contestant, after being duly sworn, testified as follows, to wit:

Question. Are you a resident of Darlington County, and were you here upon the 7th of November, 1876?—Answer. I am; and was here on the 7th of November last.

Q. Were you a candidate for office at the last election?—A. I was. My name was upon the democratic ticket as candidate for the legislature.

Q. Did you, at different points in the county, address your fellow-citizens, in company with John S. Richardson and other speakers, in the political campaign last fall?—A. I did.

Q. Were any other means employed to influence the colored vote than those of argument and persuasion by the democrats?—A. I know of no other means, except the so-called "land pledge" be so considered.

Q. Were republican speakers asked to address democratic meetings?—A. They were.

Q. Did they avail themselves of this offer?—A. I remember only one instance—at Hartville.

Q. Were colored men induced to join the democratic clubs by the means above referred to?—A. They were.

Q. Were they induced by any means to withdraw from said clubs?—A. I know of one instance at Society Hill. A colored woman forced her husband to withdraw his name from the club-list; she, at the same time, having a knife in her hand.

Q. Was it or not a matter of common notoriety that colored men were induced to withdraw through fear of their own color?—A. It was.

Q. Were United States troops brought into the county shortly before the election?—A. They were.

Q. What effect did their presence have upon the two political parties?—A. It emboldened the colored people to vote the republican ticket.

Q. Do you remember the proclamation of the President of the United States and of the governor of this State disbanding the rifle-clubs?—A. I do.

Q. Can you speak as to the effect of these proclamations upon the two political parties?—A. I think they had a dispiriting effect upon the democratic cause, and an encouraging effect upon the republican cause.

Q. What was the purpose of the formation of the democratic clubs?—A. The purpose was to develop the strength of the democratic element of the State.

Q. Were these clubs armed or not?—A. They were not, within my knowledge.

Q. Were there any armed organizations in existence among the whites at the time of the proclamations?—A. Not to my knowledge.

Q. At the time of those proclamations, was this county at peace or not, and was there any obstruction to the process of the courts?—A. It was in a state of peace, and no obstruction to the service of process within my knowledge.

Q. Were there any riots or unusual disturbances of the peace in this county?—A. None that I ever heard of.

Q. What political party largely predominated?—A. The republican.

Q. Has there been any registration of the voters of this county since the adoption of the constitution of 1868?—A. There has not been.

Cross-examined :

Q. Did not the members of the democratic clubs mentioned pledge themselves before the election that they would not lease lands or give credit to colored people for the ensuing year who should vote the radical ticket on the 7th of November, 1876?—A. They did pledge themselves not to lease lands or advance supplies to any persons who voted the radical ticket at the general election on future contracts.

Q. Was not this pledge stated publicly in the democratic meetings in Darlington County, and did not the colored people know by information both public and private that they could not lease land or obtain supplies for the ensuing year unless they voted the democratic State ticket?—A. No, sir.

Q. Was it not stated by yourself and others at Darlington Court-House democratic meeting, before the election, that the democrats had pledged themselves, and meant to stand by said pledge, that they would not lease land or advance supplies or give credit to parties who, in the election of November, 1876, should vote the radical State ticket, as against the interests of the landholders of Darlington County?—A. That I did so state at the time that it was the pledge of the democratic party, that we would neither rent lands or advance supplies to any persons voting against us at the pending election.

Redirect examination :

Q. Can you say that any colored men were deterred from voting as they pleased by reason of the land pledge?—A. None to my knowledge.

A. F. EDWARDS.

Sworn to and subscribed before me this 21st day of February, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of J. J. Ward.

J. J. WARD, having been called as a witness for the contestant, after being duly sworn, testified as follows :

Question. Are you a resident of Darlington County, and were you here on the 7th of November, of 1876?—Answer. I am and was.

Q. What is your occupation?—A. Lawyer.

Q. State in what spirit the campaign was conducted by the democracy prior to the election of November 7, 1876.—A. It was conducted with great zeal and energy on the part of the democracy, and, from my standpoint, fairness, the democrats inviting their opponents to hear them, and urging that it was the duty of all to hear both sides and then determining for themselves what course to pursue.

Q. Were republican speakers invited to participate in discussion at democratic meetings?—A. They were, to my knowledge, invited, and assured that they should have a respectful hearing.

Q. Did they avail themselves of this offer?—A. They did not; they positively declined.

Q. Were democratic speakers suffered to address republican meetings?—A. They were not.

Q. Was John S. Richardson ever so denied the right to be heard by his republican opponents?—A. He was denied with other speakers generally, and was so denied on one occasion specially; my recollection is, on the 19th day of October, 1876, at this place, when a meeting was addressed by Joseph H. Rainey, R. B. Elliott, and others. I received my information, that such a denial had been made, from the chairman of the republican party of this county.

Q. Can you say what effect the proclamations of the President of the United States and the governor of this State, ordering certain supposed armed organizations to disband, had upon the two political parties?—A. Such interference had a very dispiriting effect upon the democratic party, as it led them to suppose that they would not stop there.

Q. Were there at that time any armed organizations among the democrats?—A. There were not. There were political organizations that had for their purpose the protection of any of the opposite party who chose to vote with them, and the furtherance of the ends of the political party in politics only. And this purpose was so declared in by-laws gotten up to govern the organization.

Q. Was the ability to afford this protection impaired by the said proclamations?—A. I should say it was; it destroyed the vitality of the organization.

Q. Did you, before or after the issuing of these proclamations, see any armed bodies of white men?—A. I did not.

Q. Did you, after the said proclamations, see any bodies of colored men under arms?—A. I did. I saw the militia company of this place under arms and in line, and saw them drilling several times.

Q. At this time did peace prevail in Darlington County, or not?—A. Peace did prevail in the county during the whole canvass.

Q. Was there any obstruction to the process of the courts?—A. There was not. At no time during the canvass was there a time when a man could not be arrested by a legal process, issued from any court.

Q. Were United States troops introduced into the county shortly before the election?—A. They were.

Q. When were they withdrawn?—A. About a week after the election, I think.

Q. Were arms deposited near the poll at this precinct upon the day of election?—A. I saw the militia guns, of the colored company, withdrawn from the jail near the polls the day after the election.

Q. Did any instance of intimidation or illegal voting occur, within your knowledge?—A. I know of but one. Don't know the name. A colored man came up to the polls and told me he wanted a democratic ticket; he had promised me before to vote the democratic ticket. I gave him the ticket, when he had to pass through a crowd of colored men to get to the box. They got around him and told him he was a minor and could not vote, and if he did vote they would indite him, and in that way scared him from the polls. After he was prevented from voting the democratic ticket, several colored men got around him and carried him up to the polls and induced him to vote the republican ticket.

Q. Were any other instances reported to you by the parties themselves?—A. I made an individual canvass of all colored men who I thought there was any possible chance of inducing to vote the democratic ticket, and almost uniformly I was informed by them that they would support the democratic ticket if it was not more than they dared to do, and promised me that if I could devise means by which they could do so and not be found out that they would vote the democratic ticket.

Q. Was it or not a matter of common notoriety that a system of terrorism was employed by republicans tending to impair the freedom of the election?—A. The intimidation by the republican party was systematic and organized, and exercised to its fullest extent.

Q. Were colored men prevented from voting the democratic ticket through fear?—A. Several have informed me that they were.

(Objected to as information and not knowledge.)

Q. Were you at poll No. 2, Darlington precinct, on the 7th of November?—A. I was.

Q. State what occurred.—A. On the night previous to the election, (about two hundred yards above the polls the colored people have what they call a "wigwam,") they gathered about 250 voters, where they sung, whooped, and yelled the whole night. As soon as the polls were opened at 6 a. m., the morning of the 7th of November, 1876, they rushed down upon the polls, and crowded around the polls in such a mass that it was impossible for those who were in and around the poll to get out, except over their heads. Those people voted and staid in the vicinity of the poll the best part of the day. Those men, and fifteen or twenty colored women, kept those around the poll in such a state of excitement that from what I saw it would not have been a safe operation for any colored man to have voted the democratic ticket.

Q. Were votes taken from the hands of voters, opened, and inspected by republicans?—A. The negro women insisted upon the doubtful voters showing their tickets.

Q. Were threats used against those wishing to vote the democratic ticket?—A. I heard no direct threats. I heard expressions from colored women, that any colored man who voted the democratic ticket ought to be beat or killed.

Q. Who was United States deputy marshal at this poll?—A. Lary Aiken.

Q. What was his conduct?—A. He was moderately drunk, and behaved like an ass.

Q. Did he interfere with the voters?—A. In one instance he did; the instance previously stated, when a voter was intimidated. He with others prevented the casting of a democratic vote.

Q. During the political campaign of last fall, was the peace and quiet

of this town disturbed by bodies of colored republicans under arms?—
A. I have no knowledge of the fact.

Q. With what officer were the oaths of the managers conducting the election of the 7th of November last filed?—A. They were not filed with any officer; they were required to be filed with the clerk of the court, but at that time we had no clerk of the court.

(Objected to on the ground of secondary evidence; there is better evidence accessible.)

Q. Where was the clerk of the court?—A. He was dead.

(Objected to for same reason.)

Q. Had his successor been appointed, or had he qualified?—A. I think he had not been appointed, and know that he had not qualified.

(Objected to; same grounds.)

Q. Were the oaths of said managers sent to or filed in the office of the secretary of state?—A. They were retained in the office here.

(Objected to; same grounds.)

Cross-examined:

Q. Was there or was there not a feeling of uneasiness and insecurity existing in this community previous to the last election, owing to the excitement consequent upon such an election, both as to person and property?—A. I had no apprehensions of any outbreak; there was a feeling of insecurity as to property; we were afraid of arson. Owing to the political excitement this class of crime was considerably aggravated.

Q. Did this fear increase as the election approached?—A. My impression is that this fear was greater two or three weeks before the election than just before.

Q. How long before the election did United States troops arrive at Darlington Court-House?—A. They arrived on Friday previous to the election, before Tuesday, the 7th November, 1876.

Q. Did the arrival of United States troops tend to allay or increase the fear spoken of?—A. I am satisfied it did not affect it in any way.

Q. Did the United States troops, to your knowledge, interfere in any way with the privileges of the citizens of Darlington County at the polls on election day, November 7, 1876?—A. They did not.

Q. Did you see or know of any arms at the jail being used in any way as an influence to affect the vote at poll-box No. 1, Darlington precinct?—A. I was satisfied the arms were in the jail on the day of election; for what purpose I do not know, and what effect they had I cannot say.

Q. Can you say the fact of the arms being in the jail had any effect whatever upon the vote?—A. Can't say.

Q. It is not a fact that a squad of United States troops came to the jail on the night of the election, before or about sundown, and stationed guard, thereby preventing the use of said arms for any purpose whatever?—A. About the time the poll closed a squad of United States soldiers were stationed at the jail.

Q. Do you know how long the troops remained on guard at the jail?—A. They were not there when I came to my office the next morning, about 9 a. m. Don't know what time they left.

Q. So far as you know, did the officers or members of the United States troops take any part in the election?—A. They did not; the officer seemed to be a gentleman, and the soldiers decent people.

Q. Was the excitement which you witnessed on the 7th of November last greater than you had seen before at elections in proportion to the

number of the people at the polls?—A. I never witnessed a more intense feeling in proportion to the people engaged. There was about three times as many colored republicans as white democrats. I saw no personal violence.

J. J. WARD.

Sworn to and subscribed before me this 22d —, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of J. A. Law.

Col J. A. LAW, having been called as a witness for the contestant, after being sworn, testified as follows, to wit :

Question. Are you a resident of Darlington County, and were you here on the 7th of November, 1876?—Answer. I am; and was here.

Q. What position did you hold in the late canvass?—A. I was chairman of the democratic party for this county.

Q. Then say in what spirit the campaign was conducted by the democracy.—A. It was conducted in a very liberal spirit. We always invited the speakers of the republican party to be present and participate in the discussion. As chairman of the democratic party, I sent a written invitation to the chairman of the republican party of the county, asking the said republican party to take part with us upon the day of our grand mass-meeting held at Darlington Court-House, on the 23d of September, 1876, offering to allow their speakers one-half the time, and assuring them that their speakers should be treated with the same respect as our own. This invitation was declined, without any reason being given.

Q. Do you or not know that democratic speakers were not allowed upon the platform at republican meetings, and that John S. Richardson was denied the right to address such meeting in Darlington County?—A. I do know it to be a fact; and that John S. Richardson was denied the right on more than one occasion; once at Timmons ville and once at Darlington Court-House; and that Joseph H. Rainey was present at Darlington Court-House and addressed the meeting.

Q. Did your duties as county chairman take you into all parts of the county and bring you into frequent intercourse with both parties?—A. They did. I visited every part of the county, and was thrown in contact with members of both parties.

Q. Did you or not make careful estimate of the probable strength of your own party at different times during the canvass?—A. I did.

Q. Can you say what prospect of success the democratic party had prior to the proclamations disbanding their organizations?—A. I considered the prospect of the democratic party good up to the time that those proclamations were issued. The republican leaders took advantage of the issuing of those proclamations to intimidate the colored people that were disposed to go with the democratic party.

(Objected to; simply an expression of opinion on part of the witness.)

Q. From personal observation, can you say that the use made of those proclamations, and of the presence in the county of United State troops, changed the result of the election, or materially affected the same?—A. I cannot say that it changed the general result, but it did affect it very materially.

Q. Did you or not make numerical estimates of the strength of the two parties? If so, give them.—A. I did make a numerical estimate of

the votes in the county. According to my estimate there was about twenty-six or twenty-seven hundred white voters, who, with the exception of ten or a dozen were democrats. There were about thirty-three hundred colored voters. Of the colored voters I had good reason to believe, and do believe, that at least three hundred or more were in sympathy with the democratic party, and would have voted the democratic ticket if they had been allowed to exercise their own choice in the matter. An additional number of the said colored voters, not being disposed to take sides with either party, would have remained away from the polls if threats had not been made against them by members of the republican party.

Q. Can you estimate this additional number?—A. I cannot.

Q. Can you say whether it was large or small?—A. I cannot say what number it was, whether large or small.

Q. How were your estimates of the whole vote made?—A. By committees appointed in each of the twenty-one townships of the county, to take a census of the voters in their respective townships, carefully noting the number of white voters and the number of colored voters, also carefully noting the political party which the said voters were inclined to support. The census taken by said committees were forwarded to me.

Q. Had not considerable numbers of colored men joined democratic clubs, and did not many others promise to support the democratic ticket?—A. A considerable number of colored men did join democratic clubs in various parts of the county. A considerable number who did not join the clubs stated to me that they were in sympathy with the democratic party, expected to vote the ticket, but were afraid to come out and join the democratic clubs, from fear of persecution by members of the republican party.

Q. Did they so vote? If nay, say why, if you know.—A. A considerable number of them who had joined the clubs and signed their names to the roll did not so vote; and also many who expressed sympathy with the democratic party, and a desire to vote with it, did not so vote, but on the contrary they voted the republican ticket. The reasons assigned to me were fear of members of the republican party.

Q. What use was made, if any, by republican leaders, of the presence of United States troops, and what effect, if any, had their presence upon the voters?—A. To intimidate democratic voters, especially colored voters who desired to vote the democratic ticket. It had a damaging effect upon the democratic cause.

Q. Were you not a candidate for office upon the democratic ticket?—A. I was. I was candidate for sheriff upon the democratic ticket.

Q. From the personal canvass made by you, did any republican voters express a desire to split their ticket and support certain of the democratic nominees?—A. A large number of them did, stating that they wished to vote for me, and also a fair proportion of the number who expressed themselves in my favor also expressed a desire to vote for John S. Richardson for Congress instead of Joseph H. Rainey.

Q. As a rule, how did these men vote?—A. They voted the republican ticket, and some of them have since stated to me that they did so because they were told by the republican leaders that they would not be allowed to split their ticket. I know their statements to be true, for at 1 o'clock, or about that time, on the morning of the election, I heard one B. F. Whittemore, the acknowledged leader of the republican party in this county, harangue a large crowd of colored voters in the town of Darlington, and I heard him state, in the course of his remarks, that he had been informed that a number of the colored republican voters intended to split their ticket and vote for candidates on the democratic

ticket, and that they could not do it—that they must vote the solid republican ticket. The said B. F. Whittemore was United States deputy marshal, and the United States troops at this place were entirely under his control, and subject to his orders.

Q. How do you know that Mr. Whittemore was United States deputy marshal, and that the United States troops were under his control?—

A. I was informed by Mr. Whittemore himself, and also by Lieutenant Deems, commanding the detachment of United States troops at this place, that the said troops were under his orders.

Q. Do you know anything of the deposit of arms near the polls on the eve of the election?—A. I do. About 12 m. on the night before the election, I saw a squad of colored republican voters march across the public square at Darlington Court-House, with arms in their hands and cartridge-boxes buckled on them, and they proceeded to the jail in said town of Darlington, where they deposited the said arms and cartridge-boxes. The jail was within 35 feet of poll No. 1. The jailer, Joseph Douglas, was a violent partisan of the republican party.

Q. Was it not notorious that terrorism was employed by republicans tending to impair the freedom of the said election?—A. It was a notorious fact.

Q. Do you know of any instances of intimidation? If so give them.—

A. I know of instances. One was in the case of a colored man by name of Jack ———, living on the place of E. A. Law, of Darlington; stated to me on the evening before the election that he was a democrat, and intended to vote the democratic ticket; that he was afraid to go to the polls on the morning of the election, but would wait until the afternoon, when he would come down on a back street, requesting me to meet him at a certain place and go with him to the polls for protection; that if I did not do it, he would be injured by members of the republican party, as he had been threatened by members of the same party. I saw Joseph Jones, a colored democrat, violently assaulted by a colored woman, who sympathized with the republican party, within 20 feet of poll No. 1, for attempting to vote the democratic ticket. Other colored voters, whose names I do not now remember, came to me and insisted upon my going to the polls with them, as they intended to vote the democratic ticket, but were afraid to do so.

Cross-examined:

Q. When was the campaign, so far as this county was concerned, opened?—A. At the town of Timmons ville, the latter part of August or first of September, 1876.

Q. Previous to the meeting at Timmons ville, had there or not been democratic clubs organized in the county?—A. There had been in several townships, but I cannot remember, but think about twelve or fourteen.

Q. Previous to that meeting were there or not in Darlington County any organizations, known as rifle or saber clubs, or by any other name, in the habit or practice of meeting and drilling with arms?—A. None, that I know of.

Q. Was there any organization of mounted men in the habit or practice of meeting and drilling?—A. There was one that I knew of, known as the "Palmetto Social Mounted Club." I took part in the organization of that club, and know that the object of that organization, according to its constitution, was for social intercourse, and, if necessary, for the preservation of law, peace, and order in our community. The club had not, up to that time, nor have not done so since, drilled or appeared anywhere as a club with arms.

Q. Were any but white democrats admitted to membership in that club?—A. No one but white democrats were ever admitted into the club, but it was on account of no prohibition in the constitution or by-laws, and applicants were never questioned as to their color or politics.

Q. Was this body an armed body?—A. No.

Q. At the public meeting at Timmons ville, is it not the fact that large bodies of white men, both on foot and horseback, armed with rifles, muskets, or pistols, were present?—A. When the procession was formed of white men to proceed to the stand where John S. Richardson, esq., candidate for Congress, was to address the crowd, about one hundred white citizens mounted themselves on horseback and joined in the procession. There were a number of arms in the hands of men in that procession. There was also equally as large a number of white and colored republicans, a large proportion of whom were armed with improved State arms and other weapons, assembled at the stand, and had declared their purpose, through their leaders, to me, that neither Col. John S. Richardson, candidate for Congress, nor any other democratic speaker should speak at that stand.

Q. Was not that meeting at Timmons ville called by the republican party, as a republican meeting, and were not republican speakers alone advertised to speak?—A. I do not know how the meeting was called.

Q. Did you, as chairman of the democratic party, or any other officer of the democratic party, have any part in the calling of the said meeting or in the management of the same?—A. As chairman of the democratic party I had nothing to do with the calling of the meeting. But I was informed by the chairman of the democratic club at Timmons ville that a public meeting was to take place there, and that there was to be a joint discussion, and asking me to get democratic speakers for the occasion. Upon receiving that information I invited Col. John S. Richardson, democratic candidate for Congress, to be present and address the meeting. I proceeded to Timmons ville on the morning of the meeting, and, on my arrival there, I was informed by the chairman of the democratic club at Timmons ville that the committee of arrangements of the republican party at that place, by which the stand for speakers was to be erected, had entered into arrangements with him to erect a stand for the speakers together, which was done. I inferred, from such an arrangement being made, that it was to be a joint meeting. The chairman of committee of arrangements for the republican party at Timmons ville, one Isaac Rafra, stated to me that the democrats had assisted in building the stand, and that he was willing to make it a joint meeting. As to how the meeting was called I do not know.

Q. As to your canvass of the votes of Darlington County, upon what basis did you fix your estimates, whether upon the previous number of votes cast, or in what way?—A. I fixed it upon a census taken, as stated in my direct examination.

Q. About how many votes were thrown at the election of 1874?

(Objected to as secondary evidence.)

A. According to best information I can get, it was 5,700.

Q. About how many democratic and how many republican votes were thrown in 1874?

(Objected to as secondary evidence.)

A. To the best of my knowledge, there was no issue between the democrats and republicans at that time, the issue being between independent and regular republicans, the democrats dividing their votes between the two parties.

Q. About how many votes were thrown in 1874 for Green and Delany,

and how many for Chamberlain and Gleaves?—A. I do not know; refer you to the returns.

Q. You state that you made, or caused to be made, a full census of the voters of Darlington County previous to the last election; how many voters did said census show?—A. About 6,100, as well as I remember.

Q. What proportion of this vote was white and what colored?—A. Something over 2,600 white, and somewhere in the neighborhood of 3,300 colored; don't remember the exact figures.

Q. In the whole county, how many colored men, who have heretofore voted the republican ticket, are you willing to testify would have voted the democratic ticket at last election if the proclamations had not been issued, and if no United States troops had been present in the county?—A. To the best of my knowledge, as stated in direct examination, about 300 or over.

Q. To best of your knowledge, about how many such votes were deterred from voting the democratic ticket by the influence of the proclamations and the presence of the troops?—A. To the best of my knowledge, I should say that about 175 or 200 were prevented from voting the democratic ticket, and forced to vote the republican ticket, and a considerable number who desired to take no part in the election and stay at home were thereby, as they thought, forced to the polls and compelled to vote the republican ticket.

Q. Do you know of any parties who were forced to vote the republican ticket against their wishes, or were forced to vote when they did not wish to vote at all, except those stated; if so, how many?—A. I know of a number from hearsay; I know of one case that I have not mentioned, that came under my immediate knowledge. The case that I refer to is that of Isaiah Cannon, (colored,) living on my own place, who told me several times before the election, and especially on the day preceding the election, that he was satisfied that the success of the democratic party was for the interest of his own race and for the good of the country, and that he intended to vote the democratic ticket, but was afraid to come out openly and join a democratic club, but at the election he intended to vote the democratic ticket. He did not vote the democratic ticket, and has since stated to me that he was anxious to do so but was afraid to do it.

Q. Was there, or not, a feeling of uneasiness and insecurity, both as to person and property, among the people of Darlington County, generally, previous to the election, owing to the political excitement then pending?—A. There was a feeling of uneasiness and insecurity, both as to persons and property, caused by the advice of republican leaders to the colored republicans of the county, to set fire to the property of democrats on the day of election to keep them at home to fight fire instead of going to the polls to vote the democratic ticket and slavery; the action of certain public officers who, upon such affidavits as they could procure by fraud or otherwise, to arrest prominent democratic citizens of the county.

Q. Was that feeling not to, a large extent, allayed by the presence of United States troops in the county?—A. It was not allayed, but aggravated, as the United States troops were under the control of the deputy United States marshals, all of whom were republican partisans.

J. A. LAW.

Sworn to and subscribed before me this 22d day of February, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of Col. B. W. Edwards.

B. W. EDWARDS, having been called as a witness for the contestant, and being duly sworn, testified as follows, to wit:

Question. Are you a resident, and what is your occupation?—Answer. I live in Darlington County; am a lawyer.

Q. Were you present during the whole of the political campaign, and participated actively in the campaign?—A. Yes, sir.

Q. Are you not a large property-holder in this county?—A. I am; own a great deal of real-estate in different parts of the county.

Q. During the political campaign referred to, did you not frequently go into all parts of this county for the purpose of addressing democratic meetings?—A. Yes.

Q. Have you read the depositions of J. F. Early, A. F. Edwards, and J. J. Ward, in chief?—A. I have.

Q. Do you or not concur in the general statements therein contained?—A. I do, in respect to the various matters except as particular instances.

Q. Do you know any special matter that would benefit the contestant? If so, state it.—A. I was at Timmons ville in August when the campaign opened; the republicans declined to allow Mr. John S. Richardson to speak there that day. In the afternoon I went from the stand where the democrats spoke to where Mr. Whittemore was speaking, and there I saw a large company of colored republicans in here with arms in their hands; they still declined to let Mr. Richardson speak, until the large majority of the republicans had withdrawn with their speakers and gone off. On the following sale-day, which was the first Monday in September, there was a very large crowd of colored republicans and considerable crowd of white democrats present at Darlington Court-House, and there were several instances of threats and violent demonstrations towards colored men who professed to be democrats by the colored republicans, and some appeals in my knowledge, to Colonel Law, the chairman of the democratic party, and myself for protection. The excitement that day was intense and violent towards colored democrats. And through the campaign colored men who professed to wish to vote the democratic ticket were afraid even to say that they wished to do so. A number told me before the election that they didn't dare to vote the democratic ticket; that if they did they would be turned out of house and home, their property destroyed, and themselves and families maltreated and killed; and some of them have told me the same thing since the election. There was intimidation, but not a single instance of it by the democratic party or by democrats came within my knowledge.

The democratic speeches were conciliatory and kind, and addressed to the reason of voters; and in several instances colored persons were influenced to avow themselves democrats, and afterwards they were constrained to withdraw by colored republicans. Republican women set upon the colored democrats, and on the day of election, near one of the polls, a crowd of colored women constantly jeering and deterring by their conduct any colored man from voting the democratic ticket. At the other poll, a woman set upon her husband for going in to vote that ticket. I saw a colored man bring a rifle in with him on the morning of the election and deposit it within forty feet of poll No. 2. I was refused myself permission to speak at a republican meeting. On the Saturday evening previous to the election on Tuesday, the 7th, a large number of colored republicans came into the town whooping and screaming and firing off guns and pistols, and annoying and deterring the cit-

izens. It was a common thing with them to make such noises at night in the town. I have seen them come into town with arms, for the purpose of drilling, as they said; and I have seen the colored republican militia company drilling and marching with arms in republican processions, after the proclamation forbidding the rifle-clubs, as they were styled, from appearing in public, while there was not a white militia company in the county. There was a general bullying-up by republican speakers of their ranks to that condition of things.

Q. Did the force and intimidation detailed by you change or materially affect the result of the election?—A. It did. At one time I believed the democrats would carry the county. The day of the election a colored man admitted to me having voted twice. The vote which he had last cast was republican.

Cross-examined:

Q. At the public meeting at Darlington Court-House did not you, for yourself, and speaking for others, members of the democratic party, declare that you and they had entered into a pledge not to lease lands, or to make advances, or give credit to parties who should in the then ensuing election support and vote for the radical State ticket?—A. Yes, sir; I did in about that language—explaining that I made a distinction between the radical dishonest State ticket and the republican ticket.

Q. What proportion of the colored voters of Darlington County are land-owners in their own right?—A. Not exceeding 10 per cent., I would presume. A very large proportion of them are employed as laborers by farmers.

Q. What proportion of the colored voters have heretofore rented lands from land-owners?—A. I think a larger proportion have heretofore rented lands than have owned lands, perhaps 15 or 20 per cent. of the whole colored vote.

Q. What effect, if any, did that pledge and the announcement thereof have upon the vote at the last general election?—A. In my judgment, but very little. It made but few votes, if any.

Q. Do you know by whom the meeting at Timmons ville was called?—A. Not of my own knowledge, but I believe by the republican party.

(Objected to. Hearsay evidence.)

Q. Within your knowledge, was it a democratic meeting or were democrats invited to participate?—A. Not to my knowledge.

Q. It is not within your knowledge that the democrats in the last campaign demanded and insisted upon joint discussions at all public political meetings?—A. No, sir; it is within my knowledge that they did not.

Q. Is it not within your knowledge that there was published in the newspapers of the State, previous to the election, what was known as the Mississippi plan, which plan was to demand joint discussion—the democrats to demand and insist upon half time at all public political meetings?

(Objected to as not being germane to the issue.)

A. I have no such knowledge. My knowledge is just to the contrary. It was published that joint discussions would be requested, and we were advised by the executive committee to invite republican speakers to our meetings and offer them time and opportunity to speak, which we did.

Q. Did the republican party at any time during the last campaign invite democratic speakers to be present and address their meetings?—A. Not within my knowledge.

Q. If not invited, upon what ground could democratic speakers base their right to address republican meetings?—A. I don't know of the right being claimed, except at Timmons ville, and then they put it upon the ground of helping build the platform.

B. W. EDWARDS.

Sworn to and subscribed before me this 22d day of February, 1877.
[SEAL.] WM. J. SAUNDERS,

Notary Public.

Deposition of Rev. John O. Wilson.

JOHN O. WILSON, having been called as a witness for the contestant, after being duly sworn, testified as follows, to wit:

Question. Are you a resident of Darlington County; and were you here during the election of November, 1876?—Answer. I have been a resident of Darlington County for the past three years, and was present during the election held in November last and the campaign preceding.

Q. What is your occupation?—A. I am a minister of the Methodist Episcopal Church, South, having charge of the church at Darlington Court-House.

Q. Have you read the deposition of J. J. Ward, and do you or not concur in the general statements contained in the same?—A. I have read the testimony of Mr. Ward upon his direct examination. I concur with the witness in most of his general statements. My own observation was that a feeling of uneasiness prevailed in the community during the canvass and election. I saw more of the proceedings on election-day at the poll near the jail than I did at the poll of which Mr. Ward speaks most. However, I saw that both polls were much crowded some time before day-dawn. I visited once the poll concerning which Mr. Ward testifies, and was unable to approach the box. I saw parties, after voting at the poll near the jail, leaving immediately and going in the direction of the other poll. I saw the parades preceding the election to which Mr. Ward alludes, and believe his statement to be substantially correct. I remember, during the canvass, immediately before the election, being the day of the last republican rally at Timmons ville, that there was much noise and appearance of turbulence as persons said to be returning from said meeting entered and passed through the town, on which occasion fire-arms were discharged in the town limits, to the terror of peaceable citizens.

Q. Can you say that force and intimidation were employed by republicans?—A. I had limited opportunity of knowing as to these matters. I did not see force used, but exceedingly strong pressure was brought by some of them to bear upon any of the colored people who seemed inclined to assist the democracy.

(Objected to as to so much of the answer as is an expression of opinion.)

Cross-examined:

Q. Did you go to poll No. 2, Darlington precinct, for the purpose of voting?—A. No; nor did I mean, in my direct testimony, to convey the impression that I was hindered from voting.

Q. What time were you at poll No. 2?—A. Before daylight had fully dawned.

Q. Was poll No. 2 opened when you got there?—A. I could not see to the box, and cannot say.

Q. What time were you at poll No. 1?—A. I went to poll near the jail but a few moments after 6 o'clock a. m.; remained but a moment, and then went to the other poll; staid there but a few minutes, when I returned to the poll near the jail, about which I remained most of the day.

Q. Did you vote at poll No. 1 before going to poll No. 2?—A. No, sir.

Q. When you went to poll No. 2 did you see any force used by any parties to prevent the exercise of the right of ballot by any party against any party?—A. I did not, but I saw and heard a colored man in an excited tone say, "No; no scratching; vote the whole ticket."

Q. Have you ever been present at any election before?—A. Yes, sir; every one since 1868, though but one before in Darlington County.

Q. Is not excitement at the polls natural and usual?—A. The election of 1868 exhibited very little; the election of 1874 was measurably quiet, but in every other election that I witnessed parties were actively opposed, and there was considerable excitement.

Q. Were not all parties, white and colored, very earnest, and were not all parties more energetically engaged in the campaign of 1876 than usual?—A. I certainly think so.

JOHN O. WILLSON.

Sworn to and subscribed before me this 23d day of February, 1877.

[SEAL]

WM. J. SAUNDERS,
Notary Public.

Deposition of George W. Earle.

GEORGE W. EARLE, having been called as a witness for the contestant, and being duly sworn, testified as follows, to wit:

Question. State residence and occupation.—Answer. Darlington Court-House. My occupation is that of civil engineer.

Q. Were you in the county on the 7th of November, 1876?—A. I was.

Q. What position, if any, did you hold?—A. I was United States supervisor at poll No. 1, Darlington Court-House.

Q. Have you read the deposition of J. J. Ward?—A. I have read his direct testimony.

Q. Do you or not concur in his general statement of the condition of things in this county during the political campaign of last fall?—A. I do.

Q. If you have personal knowledge of the deposit of arms in the jail, on the eve of the election, state the circumstances.—A. I was notified on the morning of the election, before the polls were opened, by the intendant of the town of Darlington, that about thirty colored persons had taken possession of the jail, with muskets and accouterments. He desired me, as one of the supervisors, to confer with the commander of United States troops at this place to prevent an apprehended riot. I thereupon addressed a letter to Lieutenant Dunn, and requested him to take possession of the jail and arms. He did not answer my communication, but did late the evening of the day put a sentinel in front of the jail. The morning after the election I saw parties coming out of the jail (who were colored men) with muskets and accouterments.

Q. Do you know a colored man by the name of Lymus Robinson?—A. I am not acquainted with him, but that is the name he gave at the polls.

Q. Did he vote at precinct No. 1?—A. He did.

Q. Did he or not subsequently acknowledge to you having resided in the State less than a year?—A. Yes, sir.

Q. Has there been any registration of the voters of this county since 1868?—A. None that I know of.

Q. Do any names of colored men occur twice on the list at poll No. 1; if so, how many?—A. I found seven names that occurred upon the list twice.

Q. Do any names of colored men occur upon both poll-lists?—A. Yes; there are fourteen.

Cross-examined:

Q. Do you not know, as a matter of fact, that there are different men in the county of Darlington, both white and colored, who bear the same names?—A. Yes, sir; but they were distinguished by "senior" and "junior." I do know that various men go by the same name in various parts of the county.

GEO. W. EARLE.

Sworn to and subscribed before me this 23d day of February, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of A. S. White.

A. S. WHITE, being called as a witness for the contestant, and having been duly sworn, testified as follows, to wit:

Question. What is your residence and occupation?—Answer. Darlington Court-House, and am auditor of the county.

Q. By whom were you appointed and commissioned auditor?—A. Gov. D. H. Chamberlain, on the 2d of February, 1876.

Q. Are you not also intendant of the town of Darlington?—A. I am.

Q. By what political party were you nominated for and elected intendant?—A. The republican party.

Q. Have you read the testimony-in-chief of J. J. Ward?—A. I have.

Q. Is the same or not substantially correct?—A. It is, except as to matters known to him personally.

Q. Was not the peace of the town frequently disturbed during the late political canvass by bodies of colored men with arms?—A. It was.

Q. Was it or not difficult for you to preserve order, and to enforce the town ordinance forbidding the discharge of fire-arms in the streets?—A. It was difficult, owing to the difficulty of identifying the parties.

Q. Did not many colored men express to you a sympathy with the democratic cause, and a desire to support the democratic nominees?—A. Yes, sir.

Q. Did any of them say to you why they could not so vote?—A. They stated that they were afraid of their own party.

Q. What reasons had you for supporting the democratic nominees?—A. They were the only honest and competent men who offered.

Q. Did you report to United States Supervisor George W. Earle the fact of presence of arms in the jail, and request him to communicate with the lieutenant commanding United States troops?—A. I did.

A. S. WHITE.

Sworn to and subscribed before me this 23d day of February, 1877.
[SEAL.]

WM. J. SAUNDERS.

Deposition of D. D. Evans.

D. D. EVANS, having been called as a witness for the contestant, after being sworn, testified as follows:

Question. What is your residence and occupation?—Answer. Darlington Court-House, and school-teacher.

Q. Have you read the deposition of J. J. Ward in full?—A. I have.

Q. Do you or not concur in his general statements?—A. I do, except as to matters known to him personally.

Q. Where were you upon 7th of November, 1876?—A. I was at poll No. 2, Darlington Court-House, from 5 a. m. to 9½ p. m., 7th of November, 1876.

Q. Did you keep a list of the voters?—A. I did.

Q. Can you say how Samuel Lake, Larry Baker, Jerry Johnson, Andy Johnson, jr., voted?—A. I can. They voted the republican ticket.

Q. Do you or not know that the names of fourteen colored voters appearing upon your list and voting at your poll also appear upon the list at poll No. 1?—A. I do from comparing the lists.

Q. Can you give their names?—A. I can; Jack Russel, Paris Scott, Zed Lennick, Elias Williams, George Washington, Henry James, Moses Wilds, Daniel Davis, Simon James, Samuel Jackson, Alex. Alexander, Edward Jackson, Dandy Johnson, Jack Bruce, Paris Lindsay; the last-named of which voted at both polls, and acknowledged the same to Rev. John O. Willson.

(Object as to the last named.)

Q. What ticket did those men vote?—A. They voted the radical straight out.

Q. Did you, from information received, challenge a number of republican voters, whose votes were nevertheless received and counted?—A. I did.

Q. Can you mention some of them?—A. Tony Edie, Thomas Miles,, William Allen, Jack Hawkins, Ned Jackson, Jesse Gordon, sr.

Q. How many did you challenge altogether?—A. Twenty-eight or more.

Cross examination :

Q. State what was the printed list presented in hearing this morning, by whom prepared, and by whom printed, and for what purpose.—A. The list was made out by the executive committee of the democratic party, of all the voters, white and colored, of Darlington County, their residences as to townships, the probability of how they would vote, made out just previous to the election. It was made for the convenience of the challengers at the polls, to prevent illegal voting.

(Counsel for contestant objects, that he has presented no paper in evidence.)

Q. Did you see Jack Russel vote on the 7th of November, 1876?—A. Can't answer without reference to my private memoranda.

Q. Upon reference to such memoranda, are you willing to swear that the said Jack Russel did vote on the 7th of November, 1876? And, if so, at what poll?—A. A man who gave his name as Jack Russel voted at poll No. 2, Darlington precinct, and I saw him.

Q. Did you know the man personally?—A. I did not.

Q. Do you know whether or not he had previously voted?—A. I did not.

Q. Did you see Paris Scott vote?—A. I did.

Q. Was he sworn by the managers?—A. He was, as all voters were.

Q. Did you see him vote at any other poll?—A. I did not.

Q. As to the parties you mentioned above in your direct examination, did you see them all vote at poll No. 2, Darlington?—A. I did.

Q. Do you know whether or not these parties had previously voted at any other poll?—A. Not of my own personal knowledge.

Q. Do you know how many votes were thrown at box No. 2?—A. I have lost my memoranda, and can't say.

Q. Do you know whether E. C. Baker voted at box No. 2?—A. I do not remember.

Q. How happens it that you remember the distinct names you have given, and cannot remember the names of prominent men of the county?—

A. Because I kept no list of white voters, only of colored; and I have no recollection other than my personal memoranda, except in the case of certain persons whose votes were disputed by the managers or supervisors.

D. D. EVANS.

Sworn to and subscribed before me this 23d day of February, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of J. C. Clements.

J. C. CLEMENTS, having been called as a witness for the contestant, and duly sworn, testified as follows, to wit:

Question. State your residence and occupation.—Answer. I live near Lydia, in this county, and am a farmer.

Q. Were you in the county on the 7th of November last?—A. I was.

Q. Were you not a candidate upon the democratic ticket?—A. I was; I was nominated for the house of representatives of the State.

Q. Have you read or heard read the deposition in full of W. F. Early, of your neighborhood?—A. I have.

Q. Is the same substantially correct or not?—A. I would say that it was.

Q. Were there any armed clubs or bodies of men in your section of the county previous to the election?—A. None, so far as I know.

J. C. CLEMENTS.

Sworn to and subscribed before me this 23d day of February, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of A. B. Dove.

A. B. DOVE, having been called as a witness for the contestant, and been duly sworn, testified as follows, to wit:

Question. State residence, if you please.—Answer. Dove's Depot, Darlington County.

Q. Where were you on the 7th of November last?—A. At Leavenworth precinct, Darlington County.

Q. In what capacity?—A. United States supervisor.

Q. Do you know a colored man by the name of T. A. Echols?—A. I do.

Q. Did he vote at that precinct on that day?—A. He voted early in the morning.

Q. Do you know Philip Bruce and Joseph McIvor, (colored?)—A. I do.

Q. Did they vote at that precinct on that day?—A. They did, and voted the republican ticket.

Cross-examination:

Q. How many votes were thrown at that precinct on that day?—A. About 600, as near as I can remember.

Q. Can you state who voted the republican or democratic ticket on that day?—A. I can state some.

Q. Did any colored people, except those you have named, vote at that poll?—A. Yes, sir.

Q. How many?—A. Over 300 colored people.

Q. Can you tell how any of those 300 voted?—A. Yes.

Q. How did they vote?—A. Some voted the democratic ticket, some the republican, and some I don't know anything about.

Q. How many of the 300 voted the democratic, and how many the republican?—A. I can't say how many.

Q. Did you see any colored man at that poll, on that day, vote the democratic ticket?—A. Yes, sir.

Q. How many colored men did you see vote the democratic ticket on that day?—A. Can't say. Expect I saw all that cast their votes, but could say as to fifteen or twenty.

Q. Did you or not watch the votes, so you could say what each voter cast?—A. I did not see all that, but some came and took their votes when I could see, and a great many they made fold their votes before they put them in the box.

Q. Can you swear as to the votes of any other voters except those men; if so, how many?—A. Perhaps one hundred.

Q. Was your attention called to anybody else particularly, except those three parties mentioned?—A. Several that I was told were under age, and several who had not been in the county sufficiently long.

Q. Do you remember their names?—A. Don't remember.

Q. Who called your attention to those three—P. Bruce and J. McIvor?—A. Major Lucas called my attention to two before the election.

Q. How long before the election was that?—A. Don't remember; it was brought to the attention of the club of which I was a member.

Q. Do you know whether or not the three persons named were legal voters?—A. No; don't know.

Q. Were they sworn?—A. Yes, sir.

Q. Who called your attention to T. A. Echols?—A. Think it was J. F. Early, day after the election.

A. B. DOVE.

Sworn to and subscribed before me this 23d day of February, A. D 1877.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of C. K. Rogers.

C. K. ROGERS, having been called as a witness for the contestant, being sworn, testified as follows :

Question. State residence and occupation.—Answer. Am a resident of Darlington County, and am clerk of court of common pleas of the same.

Q. What position did you hold under Jonathan Wright?—A. Deputy clerk.

Q. Did you hold this position during his entire term of office?—A. I did.

Q. Before whom did the commissioners of election, held upon the 7th of November last, qualify?—A. Before me as deputy of Jonathan Wright.

Q. At what time?—A. Robert Denny qualified 13th of October, 1876; Benjamin Marshall, 17th of October, 1876; G. W. Dargan, 19th October, 1876.

Q. What managers qualified before you as deputy clerk?—A. None.

Q. Were the oaths of the managers of election of the different precincts of this county filed with you as deputy clerk?—A. All the managers who did file oaths was on the 30th of October, 1876, and 3d and 6th of November, 1876.

Q. Were the oaths of the managers retained in your office or forwarded to the office of secretary of state?—A. They were filed in the office, and are now there.

Q. When did Jonathan Wright, clerk of court, die?—A. Twentieth of October, 1876.

Q. When did you qualify as clerk?—A. Seventh of December, 1876.

Q. Are you not the successor of Mr. Wright?—A. Yes.

Cross-examined :

Q. Have you or not been the custodian and had the care of the papers and records of the clerk of court since Mr. Wright's death, and are you still in the custody?—A. I have, and I am.

CHAS. K. ROGERS.

Sworn to and subscribed before me this 23d day of February, 1877.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of H. E. Sanders.

H. E. SANDERS, being called as a witness for the contestant, and duly sworn, testified as follows, to wit:

Question. State residence.—Answer. Darlington Court-House.

Q. Where was you on the 7th day of November last?—A. Acting as manager of Darlington precinct, poll No. 1.

Q. Do you know a colored man by name of Lymus Robinson?—A. A man who gave that name voted at the poll where I was manager; don't know him personally.

Q. Was he challenged?—A. Yes, by myself. I challenged upon grounds of not having been in the State twelve months before he was sworn. He insisted upon taking the oath and voting, when I did administer the oath, and he did vote.

Q. Do you know that he was not qualified to vote?—A. Upon hear-

say, and upon his admission that he had not been in the State twelve months.

(Objected to; simply hearsay and not legal evidence.)

Q. How did he vote?—A. Republican ticket.

Cross-examined:

Q. How do you know he voted the republican ticket?—A. The ticket was taken from the table.

Q. What time in the day did he vote?—A. Between 9 and 10 o'clock a. m.

Q. Was there or not at that time a large crowd around the polls?—A. Yes, outside.

Q. Had your attention been called to Lymus Robinson previous to the election?—A. Yes, sir.

Q. By whom?—A. Mr. Gilmore, in whose employ I understood he was at the time.

HENRY E. SANDERS.

Sworn to and subscribed before me this 23d day of February, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

THE STATE OF SOUTH CAROLINA:

Personally appeared before me C. P. Townsend, who, after being duly sworn, says that he is judge of the fourth judicial circuit of the State of South Carolina, and has been since August, 1872; that during the last political campaign in South Carolina, extending from July to November 7th, 1876, there was no obstruction to the execution of the process of the courts throughout his circuit, so far as his knowledge extended, and the law was administered and enforced by the ordinary method provided by the general assembly in accordance with the State constitution; and that there was no lawlessness or violence, at any time during the campaign, which could not have been checked and remedied by the process of the courts.

C. P. TOWNSEND.

Sworn to and subscribed before me this 2d March, 1877.

[SEAL.]

THOS. W. BEATY, C. C. P.

STATE OF SOUTH CAROLINA,

Darlington County:

I, Wm. J. Saunders, a notary public in and for the State aforesaid, do hereby certify that, in pursuance of the notices duly given and served upon the contestee personally, the 6th of February, A. D. 1877, and another served upon the attorney of the contestee the 17th of February, A. D. 1877, in the case of Jno. S. Richardson, contesting the seat of Joseph H. Rainey, returned member of the Forty-fifth Congress of the United States of America, from the first congressional district of South Carolina, the above testimony, consisting of 234 pages, was duly taken in behalf of said contestant, appearing by his counsel, T. George Dargan, and the said contestee by his attorney, Elihu C. Baker, esq.; that all the within-named witnesses were duly sworn by me, and testified before

me as above written, which said testimony was written by me as deposed by said witnesses, and subscribed to by them and each of them, respectively, as appears by their and each of their respective signatures or marks at the end of their and each of their respective depositions. I do further testify that I have attached thereto all necessary exhibits.

In testimony whereof, I have hereunto set my hand and official seal, at Darlington, in the county of Darlington, State of South Carolina, this 23d day of February, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

No. 11.

DEPOSITIONS TAKEN AT SOCIETY HILL, DARLINGTON CO., S. C.

Notice to take testimony.

JOHN S. RICHARDSON, CONTESTANT, }
vs. }
JOSEPH H. RAINEY, CONTESTEE.

State of South Carolina, first congressional district contested election.

To HON. JOSEPH H. RAINEY, *Washington, D. C.*:

You will take notice that on the 26th day of February, instant, and from day to day thereafter, at Society Hill, in the county of Darlington, South Carolina, before William J. Saunders, notary public, I shall proceed to take testimony, to be read and used in evidence in the above-entitled cause, and will examine the following-named witnesses, to wit: W. A. Carrigan, W. C. Coker, A. C. Byrd, E. T. Coker, William Evans, Alexander Bevil, W. H. Jamieson, John Witherspoon, J. J. Lucas, Cyrus Alston.

Respectfully,

JNO. S. RICHARDSON.

SUMTER, S. C., *February 6, 1877.*

Contested election, first congressional district, South Carolina.

JOHN S. RICHARDSON }
vs. }
JOSEPH H. RAINEY.

For contestant, T. Geo. Dargan, esq.; for contestee, D. D. McColl, esq.

STATE OF SOUTH CAROLINA,
Darlington County:

Testimony taken before William J. Saunders, notary public in and for the State of South Carolina, at Society Hill, in the county of Darlington, and with the first congressional district of the State of South Carolina, in the matter wherein John S. Richardson contests the seat of Joseph H. Rainey in the Forty-fifth Congress of the United States of America from the first congressional district of the State of South Carolina, in furtherance of notice dated day of February, 1877, and served upon the contestee personally; said contestant appearing by his attorney, T. G. Dargan, esq., and said contestee by his attorney, D. D. McColl.

Deposition of Maj. W. C. Coker.

W. C. COKER, having been called as a witness for the contestant, after being duly sworn, testifies as follows, to wit:

Question. Were you a resident of this county and present the 7th of November, 1876, and during the preceding campaign?—Answer. I was.

Q. Were you not a candidate for office?—A. Was a candidate for the legislature upon the democratic ticket.

Q. Did not your personal canvass bring you into contact with the voters of both parties in various parts of the county?—A. It did.

Q. What were the prospects of the democratic party for success prior to the proclamations of the President of the United States and of the governor of this State?—A. I thought they were very favorable.

Q. Had not a number of negro voters identified themselves with the democratic party previous to those proclamations being issued?—A. A number of them united themselves with our democratic club, and a still larger number had promised not to vote the radical ticket, without joining the democratic party.

Q. Did these men vote for the nominees of the democratic party?—A. No; very few of them.

Q. Can you say why?—A. It was a matter of common notoriety here that the colored voters were under a terrible stress from their own color. I believe that this pressure was enhanced by the proclamations and the presence of troops at neighboring points.

Q. Can you say that the result was changed by these influences, or that but for them it would have been doubtful?—A. In my opinion the result was materially affected.

Q. What was the republican majority at this Society Hill voting precinct?—A. Something over two hundred.

Q. About what in the county?—A. Some seven hundred and seventy-five.

Q. Do you know of any instances of intimidation?—A. I do. Colored voters have said to me that they were in fear of bodily violence if they voted the democratic ticket.

W. C. COKER.

Sworn to and subscribed before me this 26th day of February, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS.

Deposition of A. C. Byrd.

A. C. BYRD, having been called as a witness for the contestant, after being duly sworn, testifies as follows, to wit:

Question. Are you a resident of Darlington County, and were you present at the election on the 7th of November, 1876?—Answer. I am, and was present at the election of 7th of November, 1876.

Q. What was the prospect of the democratic party for success prior to the proclamations of the President of the United States and the governor of this State?—A. I think it was very favorable.

Q. Did not a number of negro voters identify themselves with the democratic party previous to those proclamations being issued?—A. They did. Every negro voter on my plantation did so.

Q. Did those men vote at the election; and, if so, how did they vote?—A. They all voted, and voted the republican ticket.

Q. Was it not a matter of notoriety that a system of terrorism prevailed among the negroes from their own color?—A. That there was; many said they did not intend to vote at all, but they did vote, and stated to me as their reason for so doing that they were afraid to stay at home, as they would be murdered by their own color.

Q. Do you know John Byrd and Sandy Henderson, colored?—A. I know them both.

Q. Are they not of age of 21 years?—A. No, sir; John Byrd was born in January, 1857; I do not know when Sandy Henderson was born, but he is not as old as the other.

Q. Did they vote?—A. Yes; at Leavensworth precinct.

Q. Do you know Ben Chevis, colored?—A. Yes; I do know him.

Q. Is he of age of 21 years?—A. No, sir; he is not.

Q. Did he vote at said election?—A. Yes; he did; at Leavensworth precinct.

A. C. BYRD.

Sworn and subscribed before me this 26th day of February, 1877.

WM. J. SAUNDERS,
Notary Public.

Deposition of E. T. Coker.

E. T. COKER, having been called as a witness for the contestant, after being duly sworn, testified as follows:

Question. Are you a resident of Darlington County, and were you in the county?—Answer. I am, and was.

Q. Do you know Patrick Antrim, colored?—A. I do.

Q. Was he of the age of 21 years on the 7th of November last?—A. No; he was not.

Q. Do you know of any instances of intimidation at the late election?—A. Derry Antrim told me he was afraid to vote the democratic ticket for fear of being killed by his own color.

E. T. COKER.

Sworn to and subscribed before me this 26th day of February, 1877.

WM. J. SAUNDERS.

Deposition of Col. William H. Evans.

WILLIAM EVANS, having been called as a witness for the contestant, after being duly sworn, testified as follows, to wit:

Question. Are you a resident of Darlington County, and were you here during the last general election?—Answer. I am, and was.

Q. Do you know Jordan Zimmerman, Stephen Brown, Randolph Ruffin, jr., Henry Hill, Robert Brown, (colored?)—A. I do.

Q. Are they or not of the age of 21 years?—A. They were not at the time of the last general election. I know their ages from the fact of their having formerly belonged to my family.

Q. Have you read the deposition of W. C. Coker?—A. I have.

Q. Is the same or not substantially true?—A. It is, according to my belief, but I do not know of any instance of personal intimidation

There was a large crowd of negroes at the polls, very much excited and ripe for mischief, and I would not have regarded it as safe for a negro to have voted the democratic ticket openly.

W. H. EVANS.

Sworn to and subscribed before me this 26th day of February, 1877.
[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of Alexander Bevil.

ALEXANDER BEVIL, having been called as a witness for the contestant, and after being duly sworn, testified as follows, to wit:

Question. Are you a resident of this county, and were you here the day of election, 7th of November, 1876?—Answer. I am, and was.

Q. Do you anything of arms being secreted near the poll on the evening of the 6th of November, 1876?—A. I went through Lawrence Faulkner's store on the evening of the 6th of November, and as I went through I saw a lot of arms—some thirty to fifty arms—in his back room.

Q. How near to the poll was this?—A. From thirty to fifty yards.

Q. To whom did they belong?—A. To negroes of the republican party.

Q. Were not a large number of fire-arms discharged near the poll the night of the election?—A. Yes; there were at least two hundred.

ALEXANDER BEVIL.

Sworn to and subscribed before me this 26th day of February, 1877.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of W. H. Jamison.

W. H. JAMISON, having been called as a witness for the contestant, after being sworn, testified as follows, to wit:

Question. Are you a resident of this county?—Answer. I am, and was on the 7th of November, 1876.

Q. Did you act in any official capacity?—A. I acted as United States supervisor of election at Society Hill precinct.

Q. Do you know Charles Terry, colored?—A. I do.

Q. Was he 21 years of age on the 7th of November last?—A. He was born in the spring of 1862. I know the fact from his being a family negro, and that his mother died in childbirth.

Q. Do you know Pinckney Hersy, colored?—A. I do.

Q. Where did he reside on the 7th of November last?—A. He resided on a piece of land owned by Moses Malloy, in Marlborough County.

Q. Do you know Alex. Ross, colored, and where did he reside on the 7th of November?—A. I do, and he lived in Marlborough and came to Society Hill twelve days preceding the 7th of November.

Q. Do you know Pinckney Hersy, William Marshall, Patrick Antrim, Charles Terry, Jordan Zimmerman, Randolph Ruffin, jr., Stephen Brown, Harry Hill, Robert Brown, Lawrence Williams, Sandy Ross, Peeler Grigs, Robert Coit, Sheduck Shields, and Alfred Lindsey, all colored?—A. I do, and saw them vote on the 7th of November, 1876. They voted the republican ticket.

Q. Have you read the deposition of W. C. Coker?—A. I have.

Q. Is the same, or not, substantially true?—A. It is.

Q. Do you know of any intimidation?—A. I do. I was intimidated myself. We were in fear of an outbreak at any moment at the polls, as the polls were surrounded from the opening of the same until the vote was counted by a turbulent mass of colored men, and we knew that should it occur we would all have been sacrificed. I had reason to know that arms were brought into the town on the day before the election, and that the negroes staid in the negro church on the night before the election, and, further, that the Rev. James Hamilton, who acted as United States supervisor of the republican party, informed me that the said negroes slept in his church on the night of the 6th of November. Immediately after the counting of the vote, we, the democratic part of the board of managers and supervisors, including C. H. Race, manager, T. W. Stewart, clerk, and myself, left the building. We were joined by a colored man who had voted the democratic ticket, who informed us that he intended to see us home, from the fact that the republican negroes had threatened our lives. The negroes surrounded the building and were drawn up in three lines, and we heard some commands and they opened ranks for us to pass through. After we had proceeded about 150 yards, pistols were fired immediately in our rear. After we had gone some 200 yards farther, the negroes commenced firing volleys of musketry, which continued for a considerable time, and to such an extent that the surrounding country was very much alarmed, and a party, including myself, thought it necessary to guard the village. Jack Robinson, a colored assistant deputy United States marshal, informed me that he would have voted the democratic ticket were it not that his life was threatened should he do so.

Q. How many negroes voted the democratic ticket at this precinct?—A. Only four.

Q. How many votes were polled at this precinct?—A. Four hundred and fifty-four.

Q. What was the republican majority at this precinct?—A. Two hundred and forty-six.

Q. Could a colored man have openly have voted the democratic ticket without risk of life?—A. A number of negroes claimed that their wives would have taken their lives had they voted the democratic ticket, and, further, that after a meeting of the democratic club, at Society Hill, preceding the election, a negro woman came up into the crowd, with a drawn knife in her hands, and threatened her husband's life if he did not take his name off the democratic club roll, which he had previously signed. His name was James Blatton. The same requested the secretary to scratch his name off, as from the character of the woman she would certainly have killed him.

W. H. JAMISON.

Sworn to and subscribed before me this 26th day of February, 1877.
[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of C. H. Race.

C. H. RACE, having been called as a witness for the contestant, after being duly sworn, testified as follows, to wit:

Question. Are you a resident of Darlington County, and were you so on the 7th of November, 1876?—Answer. I am, and was.

Q. In what capacity did you act at the general election of 7th of November?—A. A manager of Society Hill precinct, Darlington County.

Q. Have you read the depositions of W. C. Coker and W. H. Jamison?—A. I have.

Q. Do you or not concur in their statements?—A. I do, except as to the personal instances of Charles Terry, Jack Robinson, and the party referred to by Mr. W. C. Coker in his answer to the last interrogatory, as to which I had no knowledge.

Q. Do you know that the colored men named by Mr. Jamison as having voted the republican ticket at the said election did so vote?—A. I do.

Q. Do you know of any instances of intimidation?—A. I know of two who have informed me, (Jack Davis and Kervis Brown,) who voted the republican ticket, who stated that they were afraid to vote the democratic ticket for fear of personal violence.

CHAS. H. RACE.

Sworn to and subscribed before me this 26th February, 1877.

[SEAL.]

WM. J. SAUNDERS.

Deposition of John Witherspoon.

JOHN WITHERSPOON, having been called as a witness for the contestant, after being duly sworn, testified as follows, to wit:

Question. Are you a resident of Darlington County?—Answer. No. I reside in Chesterfield County, a short distance from Society Hill. I plant in Marlborough County.

Q. Do you know Lawrence Williams, colored?—A. I do; and he has been a resident of Marlborough County for years.

Q. Do you know Henry Hill, colored, and was he or not of age of twenty-one years on the 7th of November last?—A. I do know him, and he was not of age; he was only eighteen years old in January of the present year, and was at the time of the election a resident of Marlborough County.

JOHN WITHERSPOON.

Sworn to and subscribed before me this 26th of February, 1877.

[SEAL.]

WM. J. SAUNDERS,

Notary Public.

Deposition of Maj. J. J. Lucas.

J. J. LUCAS, having been called as a witness for the contestant, after being duly sworn, testifies as follows:

Question. Are you a resident of Darlington County, and were you present at the last general election?—Answer. I am, and was.

Q. Did you read the testimony of W. C. Coker?—A. I did; and concur in the statements made, except as to the instance mentioned in the last interrogatory, of which I have no personal knowledge.

Q. At the time of the proclamation [referred to by Mr. Coker, were there any armed organizations of white men in this county?—A. None to my knowledge.

Q. Was Darlington County at peace or not?—A. It was.

Q. Was the process of the courts obstructed, or was there any resistance to lawful authority?—A. No; there was none within my knowledge.

Q. Do you know Philip Bruce and Joseph McIon, colored?—A. I do.

Q. Were they or not of full age on the 7th of November last?—A. They were not according to a book of record, in which their names and ages were entered. They were family negroes.

J. J. LUCAS.

Sworn to and subscribed before me this 26th day of February, 1877.
[SEAL.] WM. J. SAUNDERS.

Counsel for contestee not being present when the foregoing depositions were taken, was, upon the morning of the 27th of February, allowed the privilege of recalling any of the above witnesses for cross-examination, but as the time was limited he did not avail himself of the privilege so granted.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of W. A. Carrigan.

W. A. CARRIGAN, being called as a witness for the contestant, after being duly sworn, testified as follows, to wit:

Question. Are you a resident of Darlington County, and were you present at the general election, 7th of November, 1876?—Answer. I am, and was.

Q. What is your occupation?—A. Am a merchant at Society Hill, Darlington County.

Q. Does not your occupation as a merchant bring you into frequent contact with the colored people of this vicinity?—A. Yes, sir.

Q. Had you or not reason to know that numbers of those men were in sympathy with the democratic party, and desired to support that ticket?

(Question objected to as being matter of opinion or hearsay.)

A. Numbers of them have told me so.

Q. Did not numbers of them join the democratic club of which you were a member?—A. They did.

Q. Were there not others who promised to remain neutral?

(Objected to, being hearsay.)

A. There were.

Q. As a rule, how did these men vote?—A. I did not read their tickets, but think they voted the republican ticket.

Q. Could not the tickets be easily distinguished by their general appearance?—A. They could. The republican ticket was printed in red ink, and the democratic ticket in black ink.

Q. You have said that the negro voters, sympathizing with the democratic party, as a rule voted the republican ticket; can you assign a reason for this?—A. Not of my own knowledge; simply from what they told me. Quite a number have told me that they were compelled to vote the republican ticket from threats made by what they called the rallying committee, who, they said, went to their houses, threatening to destroy their property, burn their houses, kill their stock, and two of them

Alfred Swasey and Stephen Grant by name, told me that their lives were threatened.

(Objected to; to so much of the answer as is hearsay.)

Q. But for the pressure brought to bear upon the republican voters by their own party, would not the result of the election at this precinct and in the county at large have been doubtful?—A. I think the vote would have been different but for this pressure, but never expected the democrats to carry this county.

Q. Do you know Pinckney Hersey and Alexander Ross, (colored?)—Were they, or not, residents of this county for sixty days prior to the 7th of November last?—A. I would say they were not.

Q. Do you know Peeler Grigs, (colored?) Was he, or not, of full age of twenty-one years on the 7th of November last?—A. They were not.

Q. Do you know Shednark Shields and Alfred Lindsey, (colored?)—A. I do.

Q. Were they, or not, residents of this county on the 7th of November last?—A. They were not.

Q. Do you know of other instances of illegal voting at this precinct?—A. Yes, sir; Henry Hill, who voted at this precinct, was not a resident of this county.

Q. What ticket did he vote?—A. The republican ticket.

Cross-examined:

Q. Did Henry Hill vote the republican ticket?—A. I believe that he did.

Q. Where did he live?—A. He lived at Davy Hill, in Marlborough County.

Q. Is it not a fact that a great many persons worked on the other side of the river for weeks at a time, who considered Society Hill as their home?—A. There are; but as to Henry Hill, he lived there all the year.

Q. You were asked as to illegal voting of colored people; give some instances of illegal voting of white people.—A. Don't know of a single instance.

Q. Don't you know that the colored people are naturally republicans?—A. They are.

Q. How many colored people joined the democratic club of which you were a member?—A. About 25 or 30, but can't say how many voted at this precinct with us.

Q. Was not the election at this place peaceable and quiet?—A. It was around the polls.

Q. Did not the members of the democratic party make great exertions to get the republicans to join that party?—A. They did.

Q. What inducements were held out?—A. They used every honorable inducement.

Q. Was you not in the habit of furnishing the farming community largely?—A. I did.

Q. Did you not announce that those who voted against the democratic party would not receive any assistance from you?—A. I did—in the future.

Q. Was this not for the purpose of deterring them from voting the republican ticket, or inducing them to vote the democratic ticket?—A. It was.

Q. Was not the adopted policy of the landholders of this precinct to refuse to rent land to those who voted the republican ticket?—A. It was.

Q. Have you not, since the election, carried out that policy of not renting land on account of voting?

(Objected to as immaterial to the issue.)

A. I have.

Q. Do you know of others who have done so?

(Objected to; same grounds.)

A. I do, from their statements.

(Objected to as hearsay.)

Q. Are there any colored persons in this community who are generally known to have voted the democratic ticket?—A. There are.

Q. Have they been disturbed or molested on this account?—A. Not that I know of.

Q. Do you say that there was a pressure brought to bear by republicans upon republicans?—A. There was a tremendous pressure.

Q. Before the election, did not the democratic party take a census of the white vote of this county?—A. They did, of the white and colored both.

Q. How did this census compare with the white vote of this county as polled?—A. Can't answer.

After the census was taken by the democratic party, how many votes was it supposed they would have to change in order to carry the county?—A. About 833 votes.

Q. Mention the names of the parties who stated to you that they would have voted the democratic ticket but for threats made.—A. Jeff. Grant, Samuel Grant, George Darrall, and others whose names I can't recall.

Q. From your experience with the colored people, if let alone by both parties, don't you think they would have voted the republican ticket?—A. I don't think so; if let alone they would have voted with their neighbors solidly; but I don't believe one in a hundred would have voted at all.

Redirect examination:

Q. What arguments and inducements were used by the republican leaders to influence the colored vote?—A. That they would be disfranchised if they voted the democratic ticket.

(Objected to as not in reply to the cross-examination.)

Q. Was the pressure employed by republicans physical or moral, or both?—A. It was a moral force, and from statements of parties I believe there was physical force also.

Q. Did the democrats resort to other means than those of argument and persuasion?—A. None within my knowledge.

Q. Can you say that the land pledge and preference policy induced any colored men to vote the democratic ticket?—A. No; I don't believe it did.

Q. You have said in your cross-examination that the colored people are naturally republicans; you have further stated that if let alone they would vote with their neighbors. Explain your meaning.—A. That they are naturally in sympathy with their neighbors, looking upon the white race as superior; they would, if let alone, be inclined to vote with them. They had been taught to believe that the republican party had liberated them.

Q. With reference to the census referred to as taken by the democratic party, how did the number of colored voters compare with the vote polled?—A. There was a considerable difference, but my recollection is that the vote was much larger.

Q. You have stated that the election was peaceable. Do you not

know that a colored man by the name of Nelson Pool made a disturbance at the poll on the day of election?—A. Don't recollect that he did; but he did use language abusive of the democrats.

WM. A. CARRIGAN.

Sworn to and subscribed before me this 27th day of February, 1877.
[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of Cyrus Alston.

CYRUS ALSTON, being called as a witness for the contestant, after being sworn, testified as follows, to wit:

Question. Are you a resident of Darlington County, and were you present on the 7th of November, 1876, at Society Hill precinct?—Answer. I was in the county, but did not come to the election or vote.

Q. Why?—A. They threatened that they would kill the democratic negroes, therefore I did not come.

Q. Did you wish to vote the democratic ticket?—A. I did.

Q. Who did you mean by "they"?—A. Radical colored men living on the place with me.

Q. Have you ever voted in this county?—A. Yes, sir.

Q. Are you over 21 years of age?—A. I am 46.

Q. How long have you lived in Darlington County?—A. All my lifetime.

Cross-examined:

Q. When did you turn to be a democrat?—A. About four years ago.

Q. Tell me the names of those radical negroes who threatened you.—

A. Hip Howard and Johnson Howard told me what the people would do if I went and voted a democratic ticket.

Q. What did they tell you?—A. That my rights would be taken from me; that a colored man can't be a democrat; and if I voted the democratic ticket I would be killed; but I didn't believe it.

Q. Which of the democrats hired you to stay at home?—A. Mr. McCall.

Q. What was he going to give you—A. Nothing at all. I staid home because I thought I might have got into a row.

Redirect examination:

Q. Were you kept from voting through fear?—A. Yes.

his
CYRUS + ALSTON.
mark.

Sworn to and subscribed before me this 27th day of February, 1877.
[SEAL.]

WM. J. SAUNDERS.

W. H. JAMISON recalled, having been previously examined.

Q. Can you identify these as the tickets voted for in the late general election?—A. They are.

(Two tickets were produced and identified as the tickets voted at the last general election, and are herewith filed as Exhibits A and B.)

Q. Were the voters or not all sworn?—A. They were.

Q. Were the parties challenged warned before being sworn?—A. They were; one of the managers read the law to them.

Cross-examined :

Q. You mentioned the names of several parties as having voted the republican ticket; did you state it as a fact or an impression?—A. I state it as a fact, as the color was such that they could be easily identified.

Q. Do you confirm Mr. Coker that the proclamation of the President and the governor of the State intimidated colored voters?—A. I can't say it intimidated them, but think it had a bad effect.

Q. Was not the effect of the proclamation of the President and governor to reassure colored voters and embolden them in asserting their rights?—A. My opinion is that the said proclamations turned loose upon the people of South Carolina a set of unprincipled, rabid politicians, who did incalculable injury to the colored people by misleading them.

Q. Don't you know that the effect of sending troops into Marlborough, an adjoining county, if it had any effect, it was favorable to the democrats?—A. I cannot answer from personal knowledge. I think at Red Hill precinct, in said county, from what I can learn, that it was detrimental to the democratic party.

Q. You mention that you were intimidated yourself; please explain what it was.—A. I mean what I said in my direct examination.

Q. Did you see any guns on the day of the election?—A. I saw none, and saw no pistols; but had reason to believe that both parties were well armed with small-arms.

Q. You say the colored voters were massed around the polls; explain your meaning.—A. I mean that they were crowding around the door and side of the house, and that one or more candidates stood immediately within the door, so that it was a difficult matter for the democratic voters to get access to the box.

Q. Don't you know that all the democrats in the precinct did vote, you having previously taken the census?—A. All the democrats in the precinct voted, except a few who were sick. (I have reference to the white voters.)

Q. Did you not announce as your policy as a land-owner, and was it not the policy of the other land-owners of this precinct, to refuse to rent lands to parties voting the republican ticket?—A. It was; with the exception in my own case that I did not care as to the presidential ticket. Don't think it influenced the vote, although it was so intended.

Q. Haven't you carried out this policy?—A. I have.

W. H. JAMISON.

Sworn to and subscribed before me this 27th of February, 1877.

[SEAL.]

WM. J. SAUNDERS.

EXHIBIT A.

This ticket was filed and sworn to as the ticket voted at the last general election, 7th November, 1876.

[SEAL.]

UNION REPUBLICAN TICKET.

For President.—Rutherford B. Hayes.

For Vice-President.—William A. Wheeler.

For Presidential Electors.—At large: Christopher C. Bowen, John Winsmith. First district: Thomas B. Johnston. Second district: Tim-

othy Hurley. Third district: William B. Nash. Fourth district: Wilson Cook. Fifth district: William F. Myers.

For governor.—Daniel H. Chamberlain.

For lieutenant-governor.—Richard H. Gleaves.

For secretary of state.—Henry E. Hayne.

For comptroller-general.—Thomas C. Dunn.

For state treasurer.—Francis L. Cardozo.

For attorney-general.—Robert B. Elliott.

For State superintendent of education.—John R. Tolbert.

For adjutant and inspector general.—James Kennedy.

For Forty-fifth Congress.—First district: Joseph H. Rainey.

For solicitor.—Fourth circuit: Duncan D. McColl.

For house of representatives.—Richard H. Humbert, Samuel J. Keith, Zachariah Wines, Jackson A. Smith.

For sheriff.—Albert Baruch.

For clerk of court.—Theodore B. Gordon.

For judge of probate.—John Lunney.

For school commissioner.—Joshua E. Wilson.

For county commissioners.—Isaac P. Brockinton, Sylvester W. Williams, Boykin W. McIver.

For coroner.—Richard Lang.

Constitutional amendment.—YES.

EXHIBIT B.

This ticket was filed and sworn to as the ticket voted at the last general election.

[SEAL.]

WM. J. SAUNDERS.

Notary Public.

FEBRUARY 27, 1877.

DARLINGTON COUNTY.

For governor.—Wade Hampton.

Lieutenant-governor.—W. D. Simpson.

Secretary of state.—R. M. Sims.

Comptroller-general.—Johnson Hagood.

State treasurer.—S. L. Leaphart.

Attorney-general.—James Conner.

Superintendent of education.—H. S. Thompson.

Adjutant and inspector-general.—E. W. Moise.

Congress.—First district: J. S. Richardson.

Solicitor.—Fourth circuit: W. W. Sellers.

Representatives.—W. C. Coker, H. L. Morris, J. E. Clements, A. F. Edwards.

Sheriff.—J. A. Law.

Clerk of court.—William E. James.

Probate judge.—T. George Dargan.

School commissioner.—W. A. Brunson.

Coroner.—M. A. Huggins.

County commissioners.—John Floyd, M. Marco, Solomon Bright.

Constitutional amendment.—YES.

For presidential electors.—At large: Theo. G. Barker, Samuel McGowan. First district: Jno. W. Harrington. Second district: John Isaac Ingram. Third district: William Wallace. Fourth district: John B. Erwin. Fifth district: Robert Aldrich.

STATE OF SOUTH CAROLINA,
Darlington County:

I, William J. Saunders, notary public in and for the State aforesaid, do hereby certify that in pursuance of the notice duly given and served, one upon the contestee personally, on the 6th of February, A. D. 1877, and another served upon his attorney on the 17th of February, A. D. 1877, in the case of John S. Richardson, contesting the seat of Joseph H. Rainey, returned member of the Forty-fifth Congress of the United States of America from the first congressional district of South Carolina, the above testimony, consisting of — pages, was duly taken in behalf of said contestant, appearing by his counsel, T. George Dargan, esq., and the said contestee by his attorney, D. D. McColl; and that all the within-named witnesses were duly sworn by me, and testified before me as above written, which said testimony was written by me as deposed by said witnesses, and subscribed to by them and each of them respectively, as appears by their and each of their respective signatures or marks at the end of their and each of their respective depositions. I do further testify that I have attached thereto all necessary exhibits.

In testimony whereof I have hereunto set my hand and official seal, at Society Hill, in the county of Darlington, State of South Carolina, this 27th day of February, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

DEPOSITIONS TAKEN AT FLORENCE, DARLINGTON COUNTY, S. C.

Notice to take testimony.

JNO. S. RICHARDSON, CONTESTANT,	}	Contested election.
<i>vs.</i>		
JOSEPH H. RAINEY, CONTESTEE.		

STATE OF SOUTH CAROLINA,
First Congressional District:

To Hon. JOSEPH H. RAINEY, *Washington, D. C.:*

You will take notice that on the of February, instant, and from day to day thereafter, at Florence, in the county of Darlington, South Carolina, before Wm. J. Saunders, notary public, I shall proceed to take testimony to be read and used in evidence in the above-mentioned cause, and will examine the following-named witnesses, to wit: Geo. McD. Stoll, T. W. Williamson, J. W. Hart, J. S. Gailliard, J. P. Chase, T. W. Jones, J. S. McCall, W. A. McNair, J. E. Wingate.

Respectfully,

JNO. S. RICHARDSON.

SUMTER, S. C., *February 6, 1877.*

Caption to depositions. (Wm. J. Saunders, Notary Public.)

JOHN S. RICHARDSON	}	Contested election. First congressional district of South Carolina.
<i>vs.</i>		
JOSEPH H. RAINEY.		

For contestant, T. G. Dargan, esq.; for contestee, E. C. Baker, esq.

STATE OF SOUTH CAROLINA,
Darlington County:

Testimony taken before Wm. J. Saunders, notary public, in and for

the State of South Carolina, at Florence, in the county of Darlington, and within the first congressional district of the State of South Carolina, in the matter wherein Jno. S. Richardson contests the seat of Joseph H. Rainey in the Forty-fifth Congress of the United States from the first congressional district of the State of South Carolina, in pursuance of notice dated February 6, 1877, and served on the contestee personally; said contestant appearing by his attorney, T. G. Dargan, esq., and the said contestee by his attorney, E. C. Baker, esq.

Subpœna.

THE UNITED STATES OF AMERICA,
State of South Carolina, Darlington County:

To Geo. McD. Stoll, T. W. Williamson, T. W. Hart, T. S. Gailliard, J. P. Chase, T. W. Jones, Alexander Bevil, J. A. Law, J. S. McCall, W. A. McNair, A. C. Boyd, J. E. Wingate, Jno. D. Hearon, A. F. Edwards:

You are hereby summoned to appear before me, at my office, in the town of Florence, in the county of Darlington and State of South Carolina, on Saturday the 17th day of February, A. D. 1877, to testify before me in a contested-election case for member of Congress from the first congressional district of South Carolina, in which Jno. S. Richardson is contestant and Joseph H. Rainey is contestee.

Witness my hand and seal this 14th of February A. D. 1877.

WM. J. SAUNDERS,
Notary Public.

I certify that I served the within subpœna *ad testificandum* on the persons named.

Constable.

Deposition of Jerome P. Chase.

JEROME P. CHASE, being called as a witness on the part of the contestant, after being duly sworn, testified as follows, to wit:

Question. Are you a resident of this county, and resident here during the last election?—Answer. I was.

Q. Were you a resident of this county during 1868?—A. Yes, and have been continuously since that time.

Q. Has there been any registration since that time?—A. There has not, so far as I know.

Q. Do you remember the proclamations of the President of the United States and the governor of this State, and, in your opinion, was there any necessity for them?—A. I do, and consider them an outrage upon the people of the State.

Q. Were the white people of this State and county, so far as you know, armed and organized?—A. I knew of no armed organization and do not believe that one existed.

Q. Can you speak as to the effect of those proclamations upon the minds of the colored voters?—A. They undoubtedly had the effect of

strengthening the national and State candidates of the republican party to the detriment of the democratic candidates.

Q. Do you know of other means used by the democrats to influence the colored voters except argument and persuasion?—A. I do not.

Q. Were there any armed organizations among the negroes before and during the election?—A. Yes.

Q. Were there any United States troops in this county before and during the election?—A. There were troops stationed at Timmons ville, in this county, a detachment of which was brought here the night before the election.

Q. Was it or not a matter of general notoriety that a system of terrorism was employed by the colored people to force their own color to vote the republican ticket?—A. It was.

Q. Did you know the deputy United States marshal at this voting-precinct?—A. Yes sir; Edmond Deas.

Q. To what party did he belong?—A. Republican, and a very bitter partisan.

JAMES P. CHASE.

Sworn to before me this 17th day of February, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of George McD. Stoll.

GEORGE MCD. STOLL, being called as a witness for the contestant, after being duly sworn, testified as follows, to wit:

Question. Are you a resident of this county?—Answer. Yes; I have been for ten years.

Q. Were you in the county during the last general election?—A. I was, and was a manager of election at this voting-precinct.

Q. Before whom did you qualify?—A. Before J. J. Ward, a notary public at Darlington Court-House.

Q. Who was the clerk of court of common pleas for Darlington County at that time?—A. Jonathan Wright was clerk, but was then reported to be dead.

Q. With whom did you file your oath?—A. With C. K. Rogers, Mr. Wright's deputy clerk.

Q. Were there any armed organizations existing among the whites at or prior to the election?—A. None that I know of.

Q. Were there any such among the negroes?—A. There were; armed bodies of negroes were frequently seen upon the streets of Florence and in the republican processions.

Q. Were there any armed bodies of negroes the night preceding the election in Florence?—A. A body of armed negroes passed me on the streets about 11 o'clock the night preceding the election. Several hours later I had occasion to be in the vicinity of the colored public-school house on Dargan street, and saw a great many colored people inside the building; I also saw some arms in the corners of the room; this was about two hours before the polls opened, the distance from the place of holding the polls being about a quarter of a mile.

Q. Were you present at the opening of the polls?—A. I was, and with the other two managers, L. W. Gadsden and G. W. Brown, opened the polls at six o'clock a. m., 7th of November, A. D. 1876.

Q. Were the negro republican voters massed at the polls during the day?—A. They were.

Q. State the circumstances.—A. Soon after the opening of the polls a large procession of colored persons came marching to the polls from the direction of the colored public-school house; they were very noisy and boisterous, and soon after pressed upon the poll in such a manner that it was difficult to receive the ballots.

Q. Did you see any instance of interference with voters?—A. I did. I saw several colored republicans, known to me as such, among whom was Edmond Deas, United States deputy marshal, and Jack Johnson, the constable of Trial-Justice A. Baruch, the candidate for sheriff upon the republican ticket, take tickets out of the hands of colored voters and examine them.

Q. What was the conduct of the United States deputy marshal?—A. He acted as a bitter republican partisan during the whole day, and I saw him busily engaged in distributing republican tickets to voters and challenging democratic voters.

Q. State what tickets were voted for at the precinct of which you were manager at the said election.—A. There were two tickets, the republican and the democratic, upon each of which were printed the names of candidates for presidential electors, members of Congress, State and county officers.

Q. Whose name appeared upon the republican ticket as the candidate for Congress?—A. Joseph H. Rainey.

Q. Whose name appeared upon the democratic ticket as the candidate for Congress?—A. John S. Richardson.

(Counsel for contestant here introduced two tickets, one of the republican and the other of the democratic party, which, being identified by the witness as the tickets voted for at the said election, are hereby filed, and marked Exhibits A and B.)

Q. Do you know of any instance of illegal voting?—A. Yes.

Q. State any instances known to you.—A. Thursday morning after the election, about 7 a. m., while in store of James Allen, a colored man by name of Edmond Douglas, whom I knew well, and whom I saw vote the republican ticket at this precinct on the day of the election, called me out on the sidewalk and asked me if I had the poll-list with his name on it. I asked him why? He answered that he had voted in Cheraw the morning of the same day he voted here, and on arriving here he was made to vote again. He then said if I would get his name off the poll-list of this precinct he would pay me anything I asked that he could afford; that he didn't care about getting into trouble about it. I knew this said Edmond Douglas as a train-hand on the Cheraw and Darlington railroad.

Q. State any further instance known to you.—A. I have reason to believe that the following persons who voted the republican ticket at this precinct were not of full age, to wit: Lot Cooper, (colored;) James Richardson, (colored;) Lewis Pardley, (colored;) Henry Israel, (colored;) and as non-residents of the county, Gadsden Harvey and Paris Richardson, (both colored,) who voted the republican ticket.

Q. Were any or all of these parties challenged?—A. Yes, sir; all.

Q. Were you or not a member of the democratic club?—A. I was a member of the working committee of the democratic club.

Q. Did your position as such bring you into frequent contact with the colored voters?—A. It did.

Q. Did you or not have reason to believe that large numbers of the colored men were going to vote the democratic ticket?—A. A great

many so expressed their intention to me, and many enrolled themselves as members of the democratic club.

Q. Did these men vote the democratic ticket?—A. Many of them did not.

Q. Can you, of your own knowledge, state why they did not?—A. I have been told by a great many colored voters that they were afraid to vote with the democratic party, as the colored people would beat and abuse them if they did so, and maybe kill them, and I know, of my own knowledge, that many members of one democratic club did withdraw, giving fear of their colored brethren as their reason, and I saw, on several occasions, colored members of our club molested and threatened on the streets by colored republicans, and, with others, went to the rescue of several.

Q. Do you know that a system of terrorism prevailed over the colored citizens tending to prevent freedom of election?—A. So far as the republican colored voters was concerned, I believe they were kept in a state of constant fear by their leaders, as I, on many occasions, heard colored men who sympathized with the democrats cursed and abused by other colored men and women.

G. McD. STOLL.

Sworn to and subscribed before me this 17th day of February, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

EXHIBIT A.

Filed before me this 17th day of February, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

DARLINGTON COUNTY.

For governor.—Wade Hampton.

Lieutenant-governor.—W. D. Simpson.

Secretary of state.—R. M. Sims.

Comptroller-general.—Johnson Hagood.

State treasurer.—S. L. Leaphart.

Attorney-general.—James Conner.

Superintendent of education.—H. S. Thompson.

Adjutant and inspector general.—E. W. Moise.

Congress—first district.—J. S. Richardson.

Solicitor—fourth circuit.—W. W. Sellers.

Representatives.—W. O. Coker, H. L. Morris, J. C. Clements, A. F. Edwards.

Sheriff.—J. A. Law.

Clerk of court.—William E. James.

Probate judge.—T. George Dargan.

School commissioner.—W. A. Brunson.

Coroner.—M. A. Huggins.

County commissioners.—John Floyd, M. Marco, Solomon Bright.

Constitutional amendment.—Yes.

For presidential electors.—At large: Theo. G. Barker, Samuel McGowan. First district: Jno. W. Harrington. Second district: John Isaac Ingram. Third district: William Wallace. Fourth district: John B. Erwin. Fifth district: Robert Aldrich.

EXHIBIT B.

Filed before me this 17th day of February, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

UNION REPUBLICAN TICKET.

For President.—Rutherford B. Hayes.

For Vice-President.—William A. Wheeler.

For presidential electors.—At large: Christopher C. Bowen, John Win-smith. First district: Thomas B. Johnston. Second district: Timothy Hurley. Third district: William B. Nash. Fourth district: Wilson Cook. Fifth district: William F. Myers.

For governor.—Daniel H. Chamberlain.

For lieutenant-governor.—Richard H. Gleaves.

For secretary of state.—Henry E. Hayne.

For comptroller general.—Thomas C. Dunn.

For State treasurer.—Francis L. Cardozo.

For attorney-general.—Robert B. Elliott.

For State superintendent of education.—John R. Tolbert.

For adjutant and inspector general.—James Kennedy.

For Forty-fifth Congress—1st district.—Joseph H. Rainey.

For solicitor—4th circuit.—Duncan D. McColl.

For house of representatives.—Richard H. Humbert, Samuel J. Keith, Zachariah Wines, Jackson A. Smith.

For sheriff.—Albert Baruch.

For clerk of court.—Theodore B. Gordon.

For judge of probate.—John Lunney.

For school commissioner.—Joshua E. Wilson.

For county commissioners.—Isaac P. Brockinton, Sylvester W. Williams, Boykin W. McIver.

For coroner.—Richard Lang.

Constitutional amendment.—Yes.

Deposition of T. W. Jones.

T. W. JONES being called as a witness for the contestant, and after being duly sworn, testified as follows, to wit:

Question. Are you a resident of Darlington County?—Answer. I am, and have been since May, 1861.

Q. Were you here during the canvass and at the election November 7, 1876?—A. I was.

Q. Do you remember the proclamation of the President of the United States and the governor of this State, disarming the white people shortly before the election?—A. I do.

Q. Was there or not any lawlessness or any condition of things to warrant the said proclamation?—A. There was not on the part of the parties aimed at.

Q. After the issuing those proclamations do you know of armed bodies of negroes parading in the streets of Florence?—A. I do.

Q. Did you or not at any time during the campaign preceding the general election see armed bodies of white men parading the streets of Florence?—A. I did not.

Q. Were there or not United States soldiers quartered in the town on the day of election?—A. There were.

Q. At what distance from the polls?—A. About 900 feet.

Q. Was there a system of terrorism prevailing in the county on the part of colored men to their own color, tending to interfere with the freedom of the election?—A. There was decidedly. Certain colored men left the county, to my own knowledge, because they could not vote for fear of their color.

T. W. JONES.

Sworn to and subscribed before me this 17th day of February, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of T. S. Gailliard.

T. S. GAILLIARD being called as a witness on the part of the contestant, and after being duly sworn, testified as follows, to wit:

Question. Are you a resident of this county?—Answer. Yes, sir.

Q. You were present in the county upon the 7th of November, 1876?—A. Yes, sir.

Q. Were there or not any United States troops quartered in the town on that day?—A. There were.

Q. Do you remember the proclamations of the President of the United States and the governor of this State disarming the whites previous to the election?—A. I do.

Q. Did you before or after these proclamations see any bodies of armed white men parading?—A. No, sir; neither before or after.

Q. Did you before or after these proclamations see any bodies of colored men parading the streets of Florence under arms?—A. I did.

Q. How were they armed?—A. Those that I saw had Springfield breech Remington rifles.

Q. Can you say from observation whether the disarming the whites and the arming of the colored voters tended to weaken the one and strengthen the other political party?—A. It did decidedly.

Q. Which party suffered in this election on this account?—A. The democratic party.

Q. Does it or not come within your knowledge that a system of terrorism prevailed in this county tending to prevent colored men from voting the democratic ticket?—A. It does.

Q. Can you state any instance of intimidation or violence offered to colored democrats?—A. I can.

Q. State the instances.—A. On or about the 26th of October I witnessed an effort made by a body of negroes to tear off the democratic badges from several colored democrats, on Front street, in front of Mr. Schoubor's store, and threats of violence made, the negroes armed with railroad-iron and clubs.

Q. State any other instance in your knowledge.—A. About the same date, at or near 11 o'clock p. m., at the railroad-shed, a similar body of men attempted violence on the persons of two democratic colored speakers, Messrs. Hutchins and Lee.

Q. Under what circumstances were you present?—A. I was awaiting the arrival of the train, being an express agent.

Q. What prevented the difficulty?—A. I awoke some twenty or more white citizens to protect these persons.

Q. Was the violence offered on account of their political sentiments?—A. Yes, sir.

Q. Did they or not appeal to the whites for protection?—A. They did. They said: "We are here on behalf of reform, and we expect protection of the white citizens from our own color."

Q. Had the whites promised protection to the colored voters?—A. They had.

Q. If you know any other instance of intimidation, state it.—A. Two parties came to me for protection, having been threatened by a body of colored men on account of their politics.

Q. Were you or not yourself arrested on the day preceding the election?—A. I was.

Q. State the circumstances.—A. About sunset I was arrested by the United States deputy marshal, and taken twelve miles on horseback through the country, and carried before the United States commissioner, Elihu C. Baker, under a charge of a violation of the enforcement act. I was required to give bond for my appearance at the United States district court at Charleston, on the 1st of January next after.

Q. Were you prosecuted?—A. No; the case was not called.

Q. While under arrest, did the deputy marshal make any statement to you?—A. He did.

Q. As to your arrest?—A. No, sir.

THEODORE S. GALLIARD.

Sworn to and subscribed before me this 17th day of February, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of T. W. Williamson.

T. W. WILLIAMSON, having been called as a witness for the contestant, after being duly sworn, testified as follows, to wit:

Question. Are you a resident of Darlington County?—Answer. I am, and have been all my life.

Q. Were you in the county during the last political campaign?—A. I was.

Q. Prior to the proclamations of the President of the United States and the governor of this State, ordering armed organizations in this State to disband, was there or not any obstruction to the civil process of the courts?—A. None that I knew of.

Q. Was the country at peace?—A. It was.

Q. Was there any organized resistance to any lawful authority?—A. No, sir.

Q. Can you say, from observation, what effect those proclamations had upon the two political parties?—A. The democratic party was cowed and cast down, and the republican party elated by the proclamations, and became more aggressive. The negroes were led to believe by their leaders that these proclamations were issued in their favor.

Q. Were United States troops brought into the county just before the election?—A. They were.

Q. Can you say whether their presence influenced the election; and

if so, how?—A. I believe that their presence made many vote the republican ticket who would have voted the democratic ticket.

Q. Did any system of terrorism prevail in the county tending to affect the vote?—A. It did.

Q. Of whom were the negroes afraid?—A. Of the republican voters of their own color.

Q. Was this terrorism exercised by men alone, or by men and women both?—A. By both.

Q. Was this, or not, a matter of common notoriety?—A. It was.

Q. Do you know of any individual instances of intimidation, of violence, or threatened violence, by negroes to voters of their own color?—A. I do. I was told by a colored voter named Philip Planter, several times, for at least a month previous to the election, that he intended to vote the democratic ticket; and I was told by him a few days after the election that he did not vote the democratic ticket because it was as much as his life was worth to do. I was told by another, named Alfred Deas, who had also said he would not vote at all, that he voted, from fear of maltreatment, the republican ticket; as that he would not for \$1,000 have taken the treatment that others did at Florence on the day of the election for voting the democratic ticket. Another instance was that of Charles Small, another colored voter, that he had not voted the democratic ticket from fear of violence. He was a member of the democratic club to which I belonged.

Q. Did you vote at the election of the 7th November last; and if so, where?—A. I did; at Florence precinct.

Q. Were the republican voters assembled at the polls in large numbers during the day?—A. They were.

Q. Did you see any intimidation, violence, or offer of violence, by republicans to voters of their own color?—A. I did. I saw Louis Richardson (colored) threatened in every way, and followed by a large crowd of republicans to prevent his voting the democratic ticket, of which he had previously expressed his intention of doing. He did vote the democratic ticket, and, in my opinion, at the risk of his life. Another case, of Boyd Glasgow, who was surrounded by at least two hundred colored republicans who tried to prevent his voting the democratic ticket, or on account of his having voted it. I saw another, Brunson Brit, threatened and assaulted for being a "damned democrat." I saw a colored man by the name of Whithers, threatened on account of his being a democrat.

Q. Can you say from personal observation whether or not it was a matter of extreme difficulty and danger for a colored man to vote the democratic ticket?—A. It was.

Q. Do you know of any armed organization among the negroes of this county after the issuing of the proclamations above referred to?—A. I do.

Q. Was there any such organization in your immediate neighborhood?—A. There was such an organization, and I have reason to believe it was armed.

Q. Did you see armed bodies of colored men parading after the said proclamations?—A. I did.

Q. How were they armed?—A. One company with breech-loading rifles and one with muskets and fixed bayonets.

Q. Did you, before or after the proclamations, see any armed bodies of white men parading?—A. I did not.

Q. What spirit was exhibited by the democracy in the late campaign?—A. One of conciliation.

Q. Were other means employed than those of argument and persuasion to influence the colored vote?—A. There was not.

Q. Was force used to influence votes for the republican party?—A. There was.

Q. Were democratic speakers allowed upon the stand at republican meetings?—A. They were not.

Q. Were republican speakers invited to be present at the democratic meetings?—A. They were.

Q. Did they avail themselves of this offer?—A. They did not.

Q. Has there been any registration of voters since 1868 in this county?—A. There has not to my knowledge.

Q. What political party predominates in this county?—A. The republican.

Q. What party prior to the election of the 7th of November last had filled all the offices of trust and profit in this county?—A. The republican.

T. W. WILLIAMSON.

Sworn to and subscribed before me this 19th day of February, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of T. W. Hart.

T. W. HART, being called as a witness for the contestant, after being duly sworn, testified as follows, to wit:

Question. Are you a resident of this county, and for how long a time?—Answer. Yes; two years.

Q. What is your occupation?—A. Minister of the gospel.

Q. Were you present in the county at the last general election and during the previous campaign?—A. I was.

Q. Can you state whether at the time the proclamations of the President of the United States and of the governor of this State, ordering certain supposed armed organizations to disband, were issued there was any obstructions to the process of the courts in this county?—A. I do not think so.

Q. Was Darlington County at peace at that time?—A. It was.

Q. Was there any invasion or threatened invasion of the State or county?—A. I don't think so.

Q. Did you at any time before or after the issuing of those proclamations see any armed bodies of white men parading in this county?—A. I did not.

Q. Did you after the proclamations see armed bodies of colored men parading?—A. Yes, sir.

Q. Did this continue up to the time of the election?—A. Yes, sir.

Q. What was the character of the arms?—A. Breech-loading rifles.

Q. Was any United States soldiers sent into this county shortly before the election?—A. Yes.

Q. Did they continue here after the election?—A. Yes, sir.

Q. Were they then withdrawn?—A. Those stationed here left immediately after the election.

Q. What was the effect of the introduction of troops and the issuing the proclamations upon the election?—A. The effect was to force the

negroes to vote the republican ticket. They had been assured by their leaders that the troops were sent here to protect them.

Q. Were you or not present at any republican meetings held just prior to the election?—A. I was.

Q. Were any democratic speakers allowed upon the stand at such meetings?—A. No.

Q. What was the character of the speeches of the republican leaders, and what use, if any, did they make of the presence of the troops?—A. Very incendiary in their tone, and made the negroes believe that the troops were sent to protect them and not the whites.

Q. In what spirit was the campaign conducted by the democracy?—A. In a conciliatory spirit; they tried to reconcile the two parties.

Q. Was or was not the fact notorious that a system of terrorism prevailed in this county, tending to destroy the freedom of the election, and to force the negroes to vote with one of the political parties?—A. There was.

Q. With which party?—A. With the republican party.

Q. Was this influence exercised by men alone, or by men and women both?—A. Both.

Q. Do you know of any instances of intimidation or threatened violence by republicans to voters of their own color?—A. I saw some negro women assault Bronson Brit, colored, on the street and tear his coat and cursed him for being a democrat. I saw Jack Johnson, the constable of Trial-Justice Baruch, the candidate on the republican ticket for sheriff of Darlington County, raise a stick over his son's head and threaten to beat him to death if he voted the democratic ticket.

Q. Were you ever summoned at night to protect a colored democrat?—A. I was shortly before the election summoned to protect the person of one Huchins, a colored democratic speaker, at the passenger-depot of the W. C. & A. Railroad, on Front street, in the town of Florence.

Q. Where were you upon the 7th day of November last?—A. In the town of Florence, at or near the polls throughout the day.

Q. Were the republican voters massed at the polls?—A. They were; had to wait several hours before I could vote.

Q. Was it or not a matter of difficulty and danger for a negro to vote the democratic ticket?—A. It was.

T. W. HART.

Sworn to and subscribed before me this 19th day of February, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of William J. Morris.

WILLIAM J. MORRIS, having been called as a witness for the contestant, after being duly sworn, testified as follows, to wit:

Question. Are you a resident of Darlington County, and were you present at the election the 7th of November, A. D. 1876?—Answer. I am, and was.

Q. Can you speak as to the proclamations of the President of the United States and of the governor of this State?—A. I can state my views. They are, that the said proclamations defeated the democratic cause in this section of the country, where I am well acquainted.

(Objected to as an expression of opinion.)

Q. Upon what is your knowledge of this matter based?—A. From what I saw during the contest.

Q. Did these proclamations weaken the confidence of colored men in sympathy with the democracy in the ability of the whites to afford them protection?—A. It certainly had that effect.

Q. Can you speak as to the effect of the presence of United States soldiers upon the election?—A. It was injurious to the democracy. It was generally believed by the colored people that these troops were sent here to aid them in the election; it was a common boast.

Q. Was it not notorious that intimidation was employed in the late election?—A. It was; that intimidation was employed by colored republicans against their own color who desired to vote the democratic ticket.

(Objected to both of the last questions and answers as expressions of opinion.)

Q. Give instances if you can.—A. I was called upon one evening, with a number of others, to take out of the hands of a body of colored republicans a young colored man, by name Boyd Glasgow, whom they threatened to kill on account of his political opinions, he having joined the democratic club at this place. We took him away from them, and he was sent into the country in charge of Mr. S. T. Burch, for protection; it occurred just before the election. About the same date I was called upon with others to go to the rescue of Bronson Brit, who had also united himself with the democratic party, and who had been taken by a party of colored republicans, who had beaten him, torn off his badge, and threatened to kill him if he did not leave the democratic club, which he did do. I state these facts from my own knowledge. Other instances have come to his knowledge from the declarations of the parties.

Cross-examination by Mr. Baker:

Q. Were you a member of the democratic club of Florence?—A. Yes, sir.

Q. Did the democrats pledge themselves to protect the colored men who desired to vote the democratic ticket?—A. They did.

Q. When was that pledge made?—A. About September or October; near the commencement of the canvass.

Q. Was not that pledge made by the adoption of a resolution or vote of the club of which you were a member?—A. I presume so; I do not remember.

Q. What was the nature or form of the protection thus promised?—A. We promised to protect them from injury from their colored friends, who had always taken active measures to punish those who went with the democrats in former elections.

Q. How did you intend to protect them, whether by employing force or otherwise?—A. We sought protection for them under the law, and did not intend any other means.

Q. Please state what means of protection white men had for colored democrats before the proclamations which they did not have afterward.—A. They had the same protection afterward, but the colored people did not believe it.

Q. Were the white men deprived by the said proclamations of any power or means of protecting colored men which they had previously?—A. No.

Q. Were there any white men, or was there any body or organization of white men, in Darlington County affected in any way by said proclamations?—A. Yes; there was organizations disbanded by the proclamations.

Q. Is it not within your knowledge that the democrats had adopted and announced a resolution that they would not lease lands or advance supplies or credits to colored men who voted or proposed to vote the republican ticket in November, 1876?—A. I can only speak as to the club of which I was a member. It was adopted as a part of our constitution that we would not do these things for parties who by their violent actions took part against us.

Q. Was it not a part of the understanding and intention of the club of which you were a member that colored men who voted the democratic ticket should have preference in hiring lands and getting credit, and was not that intention publicly announced and known in the community?—A. It was as to renting lands; cannot speak as to the credits.

Redirect examination:

Q. How many votes did the preference policy make for the democrats at this precinct?—A. Not one, in my opinion.

W. J. NORRIS.

Sworn to and subscribed before me this 2d day of March, A. D. 1877.
[SEAL.] WM. J. SAUNDERS.

Deposition of W. J. DuBose, (colored.)

W. J. DuBOSE, being called for a witness for the contestant and sworn, testifies:

Question. Are you a resident of Darlington County?—Answer. Yes, sir.

Q. Were you present at the Florence precinct at the last general election, held on the 7th day of November, 1876?—A. I was.

Q. What was the conduct of the United States deputy marshal at the polls?—A. Upon that day he seemed to control the whole matter; and there was a man named William Johnson, who came up to vote, and the United States deputy marshal took his vote from him and examined it, and when within a few steps from the polls destroyed the ticket and gave Johnson another ticket, which he voted, and said Johnson's father threatened to beat him for attempting to vote the ticket which the United States deputy marshal destroyed.

Q. Were colored democrats threatened or abused by the republicans on account of their politics?—A. It was a common thing.

Q. Did not certain colored men have to leave this precinct because they were democrats?—A. Yes, sir; they did; the names of two were Henry Black and A. W. Gibbs; there were others, whose names I do not know.

Q. Did not colored democrats meet with strong opposition on account of their politics?—A. There was a good deal of talking among them, and Lewis Richardson was disturbed by them at the polls, and it was some time before he could vote on their account. On that day I was stationed at the polls, by the intendant of the town, to preserve the peace that day.

Cross-examined by Mr. Baker:

Q. Do you know any other instances of intimidation?—A. None to my knowledge.

Q. Did you see the United States deputy marshal take the vote from the hands of William Johnson?—A. I did, sir.

Q. What was the deputy's name?—A. It was Edmund H. Deas.

Q. Did you see the vote which Deas took from Johnson?—A. I did see the face of it.

Q. Did you see and can you tell what vote Deas gave to Johnson?—A. No, sir.

Q. Did you see what vote Johnson put in the box?—A. He put the vote in that Deas gave him.

Q. How do you know that any colored men left this precinct on account of their political opinions?—A. I was told so by the parties themselves after the election.

Q. Of your own knowledge, were the parties you named absent from this precinct on the day of the election?—A. Yes, sir.

Q. Do you know where they were on that day?—A. I do not.

Q. Where are they now?—A. I think the two I named are in the village.

Q. How soon after the election did they return?—A. I think it was a day or two after.

Q. What was their occupation previous to the election?—A. They were carpenters.

Q. In whose employ were they at that time?—A. They were jobbing about and had no particular employment at that time.

Q. How long had they lived at this precinct before the election?—A. About nine years I have known them here.

Q. Did they, or either of them, own any real estate in this precinct?—A. Do not know; don't think they did.

Q. Was the canvass and election of November, 1876, more actively pushed by both parties than usual?—A. It was very active on both sides, but may not have been more so than usual.

Q. Is it not a fact that elections held at this precinct are generally very active and showing a large amount of excitement between the parties?—A. I cannot say.

Redirect:

Q. To what party did Deas belong?—A. He undoubtedly *generaled* the republican party here.

W. S. DuBOSE.

Sworn to and subscribed before me this 2d day of March, 1877.

[SEAL.]

WM. J. SAUNDERS.

Deposition of John Nowlin, (colored.)

JOHN NOWLIN, being called as a witness for the contestant and sworn, testifies:

Question. Are you a resident of this county, and were you here on the 7th day of November last?—Answer. Yes, sir.

Q. Were you a member of the democratic club at this precinct?—A. I was.

Q. Were you ever interfered with by the republicans on account of being a democrat?—A. Often.

Q. Was you threatened by them?—A. Yes; I was threatened of being mobbed by them at different times.

Q. Was it not a common thing for colored democrats to be abused and threatened by colored republicans?—A. Yes, sir; it was.

Q. Did you see any violence used toward colored democrats?—A. Yes; I saw some colored men tear a democratic badge off the person of Boyd Glasgow, and I also saw a colored democrat named Brunson Britt beat and cuffed about on the day of election at or near the poll, by republicans of his own color.

Q. Did you hear any threats made by republicans as to driving the colored democrats away?—A. I did; by Edmund H. Deas and others.

Cross-examined by Mr. Baker:

Q. How long have you lived here?—A. About 11 or 12 years.

Q. What is your business?—A. I am a barber.

JOHN ^{his} + NOWLIN.
mark.

Sworn to and subscribed before me this 2d day of March, 1877.

[SEAL.]

WM. J. SAUNDERS.

Deposition of Wm. McKenzie.

WM. MCKENZIE, being called as a witness for the contestant, and sworn, testifies:

Question. Are you a resident of this county, and were you here at this precinct on the 7th day of November last?—Answer. Yes, sir; and have been a resident since 1872.

Q. What effect did the presence of troops have upon the election in this county?—A. In my belief it reduced our majority a great deal. I cannot say I know it, but I believe the negroes were forced to believe that the troops were sent here to even force them to vote the republican ticket. I have been told so by colored men, and that they were obliged to vote the republican ticket; and that they were told if they did not vote the republican ticket and the democrats got into power they would be forced in slavery. These declarations were made to me before the election.

(Objected to as an expression of opinion.)

Q. Was there not a heavy pressure brought to bear to induce these colored people to vote the republican ticket?—A. There was.

Q. Can you give any instance?—A. I can. I was a challenger at the poll for the democratic party on the day of the election. I was there from 8 until 2 o'clock, and after that off and on until the poll was closed. I saw Jack Johnson force his way up to the poll against the current of men leaving after voting, and with a stick in his hand threaten a colored man, and said to him, "What are you doing with that ticket in your hand; I will show you that you will not vote that ticket." And he took the ticket from the voter and give it to Deas, the United States deputy marshal, who tore it up.

Cross-examined by Mr. Baker:

Q. Were you an officer at the polls that day?—A. No.

WM. MCKENZIE.

Sworn to and subscribed before me this 2d day of March, 1877.

[SEAL.]

WM. J. SAUNDERS.

Deposition of James Allen.

JAMES ALLEN, called as a witness for the contestant, after being sworn, testified as follows, to wit:

Question. Are you a resident of Darlington County, and were you present on the 7th of November, 1876, at Florence precinct?—Answer. I am, and was.

(Objected.)

Q. What is your occupation?—A. Merchant.

Q. What effect, if any, had the presence of the United States troops upon the election?—A. I think it had a very injurious effect upon the democratic cause, and but for their presence we would have carried this county without a doubt by a good majority.

(Objected to, being expression of opinion of witness.)

Q. Had not many colored voters united themselves with the democratic club, and had not others expressed sympathy with the democratic cause?—A. They had.

Q. As a rule did these men vote the democratic ticket?—A. As a rule they voted the republican ticket.

Q. Can you assign a reason for this?—A. My business brings me into constant contact with all classes of this community, and I have reason to know that the colored voters were afraid to vote the democratic ticket. Many of them told me that they were afraid of their lives if they did it, and many of them said that their wives would not allow them to go home if they voted the democratic ticket. I know of several colored voters who absented themselves, because if they remained here they would be forced to vote the republican ticket, which they did not desire to do. Some of these persons referred to I requested not to leave, and remain and act like freemen, and vote as they pleased.

Q. Were not the democrats, especially colored men, frequently abused and threatened upon the streets?—A. They were, because of their political opinions.

Q. Do you know of any instance in which violence was used?—A. Just before the election, late in the evening, a large procession of colored republicans, many of them armed, and also in which procession was a company of colored militia, armed with State guns, while passing my store, blocks or pieces of wood were thrown into the crowd of white men standing in my store door; when Mr. Thomas Harllee, who was standing by my side, received a blow from a piece of wood in the face. I requested him to keep quiet and not resent the blow. I also saw a colored man, Brunson Brit by name, very roughly treated, principally by women, his own wife being one of the number, on the day of the election, because it was announced that he voted the democratic ticket; when several white men, including myself, interfered for his protection. I was one of a number of white men who were called out late one night during the campaign to protect the persons of democratic speakers, who were colored men, who were leaving Florence on the train the same night.

Cross-examined:

Q. Were you a member of the democratic club at this precinct in the last campaign?—A. I was.

Q. Was there not a resolution adopted and announced in that club, that the members of the same would not lease lands or give credits to colored men who should vote the radical ticket?—A. There was such a resolution, pretty much of that style, stating that if they should thereby

cause our defeat we would not assist them by giving them credit or renting them land.

Q. Did not individual democrats state to colored men that they would not lease lands or give credit unless they voted the democratic ticket?—

A. I never heard such a declaration.

JAMES ALLEN.

Sworn to and subscribed before me this 2d of March, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS.

Deposition of A. J. W. Bacot.

A. J. W. BACOT, having been called as a witness for the contestant, after being duly sworn, testified as follows, to wit:

Question. Are you a resident of Darlington County, and were you present in the county on the 7th of November, 1876?—Answer. I am, and was.

Q. Did you see the colored militia company at this precinct parading with arms a short time before the election?—A. I was standing on the corner of the street at Mr. Allen's store, on Front street, when I saw the republican procession pass. The militia company, which was a part of the procession, stopped in front of said store and proceeded to go through the manual of arms, the impression being made upon me that it was done as a threat to the whites looking on. While standing there among the crowd who were passing, a negro man walked up behind me, and, without provocation, struck me over the back of the neck. Before this I saw a piece of wood thrown at the crowd standing in Mr. Allen's store-door, and, I thought, struck some one there. There was no provocation on the part of the whites; not a word, that I heard, was said to them by any one present.

Q. Do you know of any instances in which colored men were induced to vote the republican ticket against their wishes?—A. I know of one who staid at home, but was sent for by the leaders of the republican ticket and forced to go—his name was Cork—and the manager of the poll told me he voted the republican ticket.

No cross examination.

A. J. W. BACOT.

Sworn to and subscribed before me this 2d day of March, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS.

Deposition of Thomas H. Harllee, jr.

THOMAS H. HARLLEE, Jr., having been called as a witness for the contestant, after being duly sworn, testified as follows, to wit:

Question. Are you a resident of Darlington County, and were you present during the campaign of last fall?—Answer. I am, and was.

Q. Was any violence done to you at any time during the campaign?—A. Yes, sir; there was. I was standing in the door-way of Mr. Allen's store, on Front street, on the day of a republican mass meeting, shortly before the election, when I was struck on the forehead by a block of wood thrown by some person in the torch-light procession of the republican party. I was standing by the side of Mr. John McSwim, who was also struck. No provocation was offered, we being simply lookers-on.

Cross-examined:

Q. What time of day or night was it?—A. About an hour after dark.

Q. What is your age, and where do you live?—A. I am nineteen years of age, and I reside in the country, about three miles from Florence.

THOS. H. HARLLEE, JR.

Sworn to and subscribed before me this 3d day of March, 1877.

[SEAL.]

WM. J. SAUNDERS.

DEPOSITIONS (ADDITIONAL) TAKEN AT FLORENCE, S. C.

JNO. S. RICHARDSON }
vs. } Contested election, first congressional district of
 JOS. H. RAINEY. } South Carolina.

A notice to take additional testimony at Florence, in the State of South Carolina, and within the first congressional district, upon the 2d day of March, instant, having been served upon the counsel for contestee, for the convenience of counsel it is agreed that the depositions of certain of the witnesses named in said notice shall be taken upon the 1st day of March, instant, both counsel being present and consenting.

T. G. DARGAN,
Attorney for Contestant.
 ELIHU C. BAKER,
Attorney for Contestee.

Subscribed before me this 1st day of March, 1877.

[SEAL].

WM. J. SAUNDERS.

JNO. S. RICHARDSON }
vs. } Contested election, first congressional district of
 JOS. H. RAINEY. } South Carolina.

For contestant, T. G. Dargan, esq.; for contestee, E. C. Baker, esq.

STATE OF SOUTH CAROLINA,
Darlington County:

E. C. Baker, esq., of counsel for contestee, having been sick and unable to attend when the foregoing six depositions were taken on behalf of the contestant, subsequently appeared, pursuant to a notice to take additional testimony, and was allowed the privilege of recalling any of the said witnesses for cross-examination. This right he waived, but enters his objections to all hearsay and expressions of opinion by the witnesses.

T. G. DARGAN,
Attorney for Contestant.
 ELIHU C. BAKER,
Attorney for Contestee.

Subscribed before me this 2d day of March, A. D. 1877.

WM. J. SAUNDERS.

STATE OF SOUTH CAROLINA,
Darlington County:

I, William J. Saunders, notary public in and for the State aforesaid, do hereby certify that in pursuance of the notices given and served, one

on the contestee personally on the 6th of February, A. D. 1877, and another served upon the attorney of the contestee on the 17th day of February, A. D. 1877, in the case of John S. Richardson, contesting the seat of Joseph H. Rainey, returned member of the Forty-fifth Congress of the United States of America from the first congressional district of South Carolina, the above testimony, consisting of — pages, was duly taken in behalf of said contestant, appearing by his attorney, T. George Dargan, esq., and the said contestee by his attorney, Elihu C. Baker, esq.; that all the within-named witnesses were duly sworn by me and testified before me as above written, which said testimony was written by me as deposed by said witnesses and subscribed to by them, and each of them, respectively, as appears by their, and each of their, respective signatures or marks at the end of their, and each of their, respective depositions. I do further testify that I have attached thereto all necessary exhibits.

In testimony whereof I have hereunto set my hand and official seal, at Florence, in the county of Darlington, State of South Carolina, this 3d of March, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

No. 13.

DEPOSITIONS TAKEN AT KINGSTREE, S. C.

Notice to take testimony.

JOHN S. RICHARDSON, CONTESTANT,	}	Contested election.
<i>vs.</i>		
JOSEPH H. RAINEY, CONTESTEE.		

STATE OF SOUTH CAROLINA,
First Congressional District:

To Hon. JOSEPH H. RAINEY, *Washington, D. C.:*

You will take notice that on the 22d day of February instant, and from day to day thereafter, at Kingstree, Williamsburg County, South Carolina, before S. W. Maurice, esq., notary public, I shall proceed to take testimony, to be read and used as evidence in the above-entitled cause, and will examine the following-named persons, all residents of Williamsburg County, to wit: James McCutchen, J. F. Brockington, G. W. Barineau, Smart Flowers, Jim Wallace, Henry Singletary, John S. Beck, Thomas McCutchen, J. W. Kimball, Samuel Cooper, W. H. Cox, R. H. Kimball, H. E. Eaddy, H. H. Singletary, R. E. Cade, Thomas M. Gilland, R. W. Brown, Jos. A. James, R. W. Boyd, R. B. Pope, J. F. Caraway, Thomas J. Woods, A. F. Cade, W. H. Kennedy, J. C. Josey.

Respectfully,

J. S. RICHARDSON.

SUMTER, S. C., *February 7, 1877.*

DISTRICT OF COLUMBIA,
County of Washington, ss:

Montgomery Blair, being sworn, saith that he served the within by

delivering copy to Joseph H. Rainey, the contestee, on this the 9th February, 1877, at his house, in the city of Washington.

MONTGOMERY BLAIR.

Subscribed and sworn this 10th February, 1877, before me.

[SEAL.]

A. S. TAYLOR, J. P.

No. 1.

THE STATE OF SOUTH CAROLINA,
Williamsburg County :

JOHN S. RICHARDSON, CONTESTANT,	} Contested election, first congressional district, South Carolina.
<i>vs.</i>	
JOSEPH H. RAINEY, CONTESTEE.	

Pursuant to notice served on Joseph H. Rainey, the contestee, on the 9th day of February, A. D. 1877, as appears by the proof of service on the original notice hereto appended, the following testimony has been taken before me, beginning this 22d day of February, A. D. 1877, and ending the 27th February, 1877, on the part of the contestant, at Kingstree, State of South Carolina, both parties being represented by counsel

Deposition of G. W. Barineau.

Question. Where do you live?—Answer. In Hope Township, Williamsburg County.

Q. How far from Kingstree?—A. Four miles and a half.

Q. Do you know Robert Stoggers?—A. Yes, sir; when I see him.

Q. Where does he live?—A. Don't know exactly where he lives now; did live with his mother in about a mile of me. May be there yet for all I know.

Q. What was his age on the 7th day of November last?—A. From the best I know he can't be over eighteen years of age. Don't know rightly his age, but don't think he can be over eighteen.

Q. Why do you say that he is only 18?—A. In the latter part of 1859, I saw him an infant in his mother's arms; saw him frequently, and have seen him off and on up to about four months ago; have not seen him since.

No cross-examination.

C. W. BARINEAU.

Deposition of H. E. Eaddy.

Question. In what county do you live?—Answer. In Williamsburg.

Q. Were you one of the managers at Muddy Creek poll, in said county?

—A. Yes, sir.

Q. Do you allude to the last general election?—A. Yes, sir.

Q. Do you know Jacob Wallace?—A. Yes, sir.

Q. If you know, state where he lives?—A. Don't know of my knowledge.

Q. Did he vote at the Muddy Creek poll at the last election?—A. He did.

Cross-examination :

Q. How long have you known Jacob Wallace?—A. I think that the first notice I took of him was just after the war.

Q. Have you seen him frequently up to this time?—A. Yes, sir; in the last few years.

Q. Do you know of your own knowledge whether he lives in this county?—A. I do not.

Q. You state that he voted at Muddy Creek poll?—A. Yes, sir.

Q. Do you know what ticket he voted?—A. He voted the radical ticket.

Q. How do you know that he voted the radical ticket?—A. He voted openly.

Q. Did you see the inside of the ticket?—A. I do not remember this.

Q. How do you remember that it was a radical ticket?—A. I knew all the tickets by the general appearance.

Q. Was there, to your knowledge, a democratic ticket printed in red ink?—A. There was not till after the election.

Q. Were any of this kind voted at that poll?—A. There was not.

Q. Do you know what a paster is?—A. Not by that name.

Q. What I mean is a small strip with a man's name pasted over another.—A. I know what that is.

Q. Was there any tickets voted at Muddy Creek with these pasters?—A. I am not clear about it, but think there was one.

Q. Do you remember the name that was pasted?—A. No, sir.

Q. Was there a general quietness during the day at your poll?—A. Yes, sir.

Q. Are you cognizant of any intimidation or disorderly conduct among any of the voters?—A. No, sir.

Q. The election was carried on as quietly as heretofore?—A. Yes, sir.

Redirect examination :

Q. Do you remember whether it was a democratic or republican ticket that had that paster over it?—A. No, sir; I do not remember well enough to say.

H. E. EADDY.

Sworn to and subscribed before me this 22d February, A. D. 1877.

SAML. W. MAURICE,
Notary Public.

Examination continued on this day, 23d February, A. D. 1877.

Deposition of Jim Wallace.

Question. What county do you live in?—Answer. Williamsburg.

Q. Do you know Jacob Wallace?—A. Yes, sir.

Q. Where did he live on the 7th November last?—A. He lived at my house, but worked in Georgetown County.

Q. How long had he been in Georgetown before the election?—A. He works all about; sometimes in Georgetown County.

Q. Who was he working for on the 7th November last?—A. Don't

know who he was working for ; he was sometimes working for himself ; sometimes worked for Mr. Bealy, in Marion County.

Q. Where was this farm that he rented ?—A. In Georgetown County.

Q. What sort of farm was it ?—A. Turpentine farm.

Q. Didn't he live on that farm ?—A. No, sir.

Q. When was he married ?—A. Some time in the last part of last year.

Q. What month ?—A. Don't remember the month, but it was some time in the middle of the year.

Q. Where did his wife live when he married her ?—A. Right down where he lived, in Georgetown County.

Q. When he got married didn't he live where his wife was ?—A. No, sir ; I think his wife went over to Mr. Jordan Williams, and they live over there together.

Q. Where does Mr. Jordan Williams live ?—A. In Georgetown County.

Q. Now, he has been living from the time of his marriage up to the present time at Mr. Jordan Williams ?—A. Yes ; as far as I know.

Q. Was it in the summer of last year that he was married ?—A. Yes, sir ; it was in the summer.

Q. Do you know Len Johnson ?—A. No, sir.

Cross-examination :

Q. Are you any relation to Jacob Wallace ?—A. Yes, sir.

Q. What relation ?—A. He is my son.

Q. You say that he lived at your house. Do you mean that he always made that his home ?—A. Yes, sir ; that is his home.

Q. Did he live there on the day of the last election ?—A. He was working out, but his home was still at my house.

Q. Does he still live at your house ?—A. Since he took his wife he does not live at my house.

Q. About what time did he move over to Jordan Williams ?—A. In January of this year.

Q. Was that the first time he ever voted ?—A. Yes, sir.

Redirect examination :

Q. Did Jacob Wallace's wife ever live at your house ?—A. No, sir.

Q. After Jacob Wallace was married, didn't they live together ?—A. I suppose so.

Q. From the time of their marriage didn't they keep house together ?—A. I don't know, sir.

Q. As far as you know they have been living in that house together since they were married ?—A. As far as I know.

(This is objected to on the part of the contestee on account of being the opinion of the witness.)

his
JIM + WALLACE.
mark.

Sworn to before me this 23d February, A. D. 1877.

[SEAL.]

SAM. W. MAURICE,

Notary Public.

Deposition of W. H. Cox.

Question. Where do you live ?—Answer. In Williamsburg County.

Q. Do you know Robert Stoggers ?—A. I do, sir.

Q. Do you know where Mr. G. W. Barineau lives ?—A. I do.

Q. How far does Robert Stoggers live from Mr. Barineau's?—A. Don't know, sir.

Q. No idea?—A. A couple of miles, or something like that.

Q. Did you see Robert Stoggers vote in the last election?—A. No, sir; I did not.

No cross-examination.

W. H. COX.

Sworn to before me this 23d February, A. D. 1877.

SAM. W. MAURICE,
Notary Public.

Deposition of R. W. Brown.

Question. Was there a poll held and a box opened at Levy's Store at the last election?—Answer. Yes, sir.

Q. In what county is Levy's Store?—A. In Williamsburg.

Q. What was the number of votes polled there?—A. Five hundred and forty-three.

Q. How many republican votes were polled there, if you recollect?—A. Two hundred and ninety.

Q. How many democratic?—A. Two hundred and fifty three.

Cross-examination :

Q. Has it been usual to have a poll at Levy's Store?—A. That has been the voting-place in several of the last elections.

Q. The voters in that section generally looked upon that poll as the voting-place, and did at the last election?—A. Yes, sir; I think so.

Q. Were you a manager at the last election at that poll?—A. Yes, sir.

Q. What was the general condition of things on the day of election as to quietness?—A. I considered them very quiet; all things passed off without any disturbance.

Q. Do you know of any force or intimidation attempted at that poll?—A. I know of none.

Q. Were there any soldiers present?—A. None.

R. W. BROWN.

Sworn to before me this 23d February, A. D. 1877.

[SEAL.]

SAML. W. MAURICE,
Notary Public.

Examination continued over to this day, the 24th February, A. D. 1877.

Deposition of J. C. Josey.

Question. Where do you live?—Answer. In Williamsburg County.

Q. Was there a poll at Black Mingo in the last general election?—A. There was.

Q. Was there a box opened there?—A. Yes, sir.

Q. Were you a manager at that poll?—A. I was.

Q. How many republican votes were polled there?—A. To the best of my knowledge and belief there were seventy-nine.

Q. How many democratic?—A. Ninety, to the best of my recollection

Cross-examination :

Q. Do you know of any force or intimidation used at your poll at the election?—A. No, sir; all was quiet on both sides.

Q. Were there any soldiers?—A. No, sir.

Q. Were there any militia?—A. No, sir.

Q. The last election was as quiet as any heretofore held, as far as you know?—A. Yes, sir. There was some disturbance among the colored people, but not about politics.

J. C. JOSEY.

Sworn to before me this 24th February, A. D. 1877.

[SEAL.]

SAML. W. MAURICE,
Notary Public.

Deposition of R. W. Boyd.

Question. Did you vote in the last general election?—Answer. I did, sir.

Q. Where did you vote?—A. At Salter's Depot, Williamsburg County.

Q. Do you know Jesse McBride?—A. I do, sir.

Q. Did he vote at Salter's at the last election?—A. Yes, sir; he did.

Q. What ticket did he vote?—A. He voted the radical ticket, to the best of my knowledge.

Q. How do you know that he voted the radical ticket?—A. Waters McCullough, a United States marshal, who had no democratic tickets, was giving out radical tickets to the voters, and I saw him give McBride a ticket myself.

Q. Did McBride vote the ticket he got from McCullough?—A. Yes, sir. I objected to his vote on account of his not being of age, but McCullough stepped up and told him to vote, and never mind what Boyd said; that he was of age.

Q. What was the age of McBride on the 7th of November last?—A. He was born the 30th of September, 1856.

Cross-examination :

Q. What year were you born?—A. In 1851.

Q. You say that Jesse McBride was born on the 30th September, 1856. How do you know that?—A. From the record of his age. He used to belong to my father.

Q. Have you that record here?—A. Yes, sir; I have it in my pocket.

Q. Let me see it.—A. (Produces it.)

Q. When was that paper written?—A. I couldn't tell myself, as it was written by my father; I suppose at the time the negro was born.

(The paper produced, among other memoranda or entries, contains this entry: "Jesse was born the 30th September, 1856." Counsel for the contestee objects to this as a proper record in the matter of Jesse McBride.)

Q. This is the only data from which you form your opinion of the age of Jesse?—A. No, sir.

Q. What other evidence than this have you?—A. I can't recollect myself exactly. I heard his mother say the next morning that Jesse didn't go with intention of voting, that she knew he wasn't of age, but that Waters McCullough overpersuaded him to vote.

(So much of this as was said by the mother of Jesse was objected to by the contestee's counsel.)

Q. How far do you live from Salter's Depot?—A. About 6 miles.

Q. How far do you live from Anderson's poll?—A. About 9 or 10 miles.

Q. Have you always voted at Salter's Depot?—A. Yes, sir.

Q. You say that Waters McCullough, who gave Jesse McBride this radical ticket, had no democratic tickets. How do you know that?—A. I didn't see him have any, and am pretty certain he didn't have any.

Q. What makes you certain that he had no democratic tickets?—A. Because I saw him give out a great many, and they were all radical tickets.

Q. Do you say on your oath that he gave out no democratic tickets?—A. None that I saw; if he had any I never saw them.

Q. Did you see the inside of all the tickets that McCullough gave out?—A. No, sir; but I saw the inside of a great many of them.

Q. Did I understand you to say that you opened some of them yourself?—A. Yes, sir; I looked at several of them.

Q. Did you see a democratic ticket on that day that was printed in red ink, with the eagle on it, with the democratic names on it?—A. Yes, sir; I did.

Q. Do you know of your own knowledge whether any of those tickets were voted there?—A. I don't know.

Q. What was the condition of affairs that day as to quietness?—A. Everything was peaceable and quiet.

Q. Do you know of any force or intimidation used on that day?—A. No, sir.

Q. Were there any United States soldiers or militia there that day?—A. No, sir.

Redirect examination:

Q. Did your father own any other Jesse beside Jesse McBride?—A. No, sir.

Q. This paper produced here is the record upon which your father kept the ages of his slaves?—A. Yes, sir.

R. W. BOYD.

Sworn to before me this 24th February, A. D. 1877.

[SEAL.]

SAML. W MAURICE,
Notary Public.

Deposition of T. M. McCutchen.

Question. Are you a resident of Williamsburg County, and how long have you been so resident?—Answer. Yes, sir; and have all my life lived here; am now 48 years old.

Q. Were you in the county during the last political campaign?—A. I was.

Q. Was there at any time preceding the election any threatened invasion by or actual presence of the public enemy?—A. None that I knew of.

Q. Was the civil process of the law preceding and during the election unobstructed?—A. Yes, sir; never knew it to be obstructed in any way.

Q. Were the courts open and in full operation?—A. Yes, sir.

Q. Was there any open resistance to the law?—A. No, sir.

Q. Was there, or not, a wide-spread intimidation of colored voters?—

A. I don't hardly know how to answer that question, but I think there was.

(Objected to.)

Q. Were the colored voters afraid to vote the democratic ticket?—A. Some of them told me so.

(Objected to as hearsay.)

Q. Of whom were they afraid?—A. They said they were afraid of their own color.

Q. Republicans or democrats?—A. Republicans.

(Objected to.)

Q. Can you give any instance of any colored voters being afraid to vote the democratic ticket?—A. One James Barr, a colored voter, told me that he wanted to vote the democratic ticket, but was afraid to do it. At the Indiantown poll, the day of election, a colored woman walked up with a colored voter, said to be his wife, and he put in a republican ticket. She said she came up to see him vote that ticket, and was much pleased. This same man had spoken of joining the democratic club of which I was a member.

(Objected to as in part hearsay and part irrelevant.)

Q. Any other instance?—A. Had several other colored men to give me the same reasons as that; that they were afraid of their own color; that is, that they might be killed or burnt out.

(Objected to on account of hearsay.)

Q. Do you remember the issuing of the proclamations by Chamberlain and Grant disbanding the rifle-clubs?—A. Yes, sir; I recollect the circumstance, but not the precise date at this moment.

Q. Do you know of any colored rifle-club disbanding?—A. No, sir; didn't know of any colored rifle-club in the county.

Q. Did you at any time after these proclamations see the colored people under arms at a political meeting?—A. Don't know that I did. Did see them at one political meeting with arms, some of them, though they were not generally armed; but can't say whether this was before or after the proclamations referred to.

Q. Were you a member of a rifle-club during the last campaign?—A. I was.

Q. Did your club disband under these executive proclamations?—A. It did.

Q. What was the object of these rifle-clubs?—A. To see that the colored voters who desired to vote the democratic ticket should be protected in their right to vote that ticket.

Q. Has there been any registration in this county since 1868?—A. Don't think there has. There hasn't been in the last five or six years; but can't speak as far back as 1868.

Q. What was the political character of the legislature and government previous to the last election?—A. Republican.

Q. What was the political character of the administration in Williamsburg County?—A. Republican.

Cross-examination:

Q. What poll did you vote at?—A. Indiantown.

Q. What was the condition of affairs as to peace and quietness?—A. At one time there was a little disturbance, but nothing like a row. I would say the election passed off quietly.

Q. Did you see any force or intimidation during that day?—A. Nothing, except what I have already stated as to the woman above, who led up her husband as stated.

Q. Were there any United States soldiers or armed militia present at the poll?—A. No, sir.

Q. Would you say the election was as quiet as preceding elections?—A. Yes, sir; I would say it was quiet as any I have seen since the negroes commenced voting.

T. M. McCUTCHEN.

Sworn to and subscribed before me this 24th February, 1877.

[SEAL.]

SAMUEL W. MAURICE,
Notary Public.

Deposition of G. S. Cooper.

Q. Are you a resident of Williamsburg County, and how long have you resided here?—A. All my life. Am 39 years old, and a little over.

Q. Were you in the county during the last political campaign?—A. Yes, sir.

Q. Was there at any time preceding the election any threatened invasion by or actual presence of the public enemy?—A. No, sir.

Q. Was the civil process of the law preceding and during the election unobstructed?—A. Yes, sir; so far as I know. Knew of no resistance.

Q. Were the courts open and in full operation?—A. Yes, sir.

Q. Was there or not wide-spread intimidation of colored voters?—A. Well, I know of no particular instance.

Q. Were the colored voters afraid to vote the democratic ticket?—A. I don't know how to answer that question. Some so pretended, but I couldn't name any particular instance.

Q. Of whom did they pretend to be afraid?—A. Well, some pretended that they were afraid of being turned out of the church. I merely state what I heard them say. They said they would be ostracized.

(This objected to as being hearsay.)

Q. Were they afraid of republicans or democrats?—A. I suppose of their republican friends.

(Objected to as opinion of witness.)

Q. Do you remember the issuing of the proclamations of Grant and Chamberlain as to the disbanding of the rifle-clubs?—A. Yes, sir.

Q. Do you know of any colored rifle-clubs that disbanded under those proclamations?—A. No, sir.

Q. Did you at any time after these proclamations see the colored people under arms at a political meeting?—A. I did on one occasion, at Bay church, in Williamsburg County.

Q. What kind of meeting was this?—A. It was a republican meeting.

Q. Were there any democratic speakers at this meeting?—A. There were three.

Q. Were they permitted to speak?—A. They did not speak.

Q. What I want to get at is, why did they not speak?—Q. The division of time was not consented to by the republicans.

Q. Did the republicans at this meeting refuse to allow these democratic speakers to speak?—A. Yes, sir; I so understood it.

Q. Did the democratic speakers insist on being heard at that meeting?—A. Two of them did, but they did not speak, for the reasons before stated.

Q. Were you a member of a rifle-club during the last campaign?—A. Yes, sir.

Q. Did your club disband under the proclamations of Grant and Chamberlain?—A. Yes, sir.

Q. What was the object of your rifle club?—A. Our object was to protect colored democrats.

Cross-examination :

Q. At what poll did you vote?—A. Indiantown.

Q. Were you present during the whole day of the election?—A. Yes, sir.

Q. What was the condition of affairs as to quietness and good conduct?—A. About as quiet as any election I ever saw there.

Q. Was there any force or intimidation used among the voters that day?—A. None that came under my observation.

Q. Were there any United States soldiers or armed militia present during the election?—A. None, sir.

Q. Do you know of any colored rifle-club in the county of Williamsburg?—A. None, sir.

Q. Were you at the republican meeting held at Bay church?—A. I was.

Q. Do you remember the date of the month it was held?—A. No, sir; I do not.

Q. Do you remember what kind of a day it was?—A. I arrived there about two o'clock, and it was very wet; raining in torrents.

Q. Were the democratic speakers there when you got there?—A. They went there in company with me.

Q. Had the meeting commenced before you arrived; was it in progress?—A. It was.

Q. Who was it that demanded a division of time?—A. I made the request, on one occasion, but I was not the only one.

Q. What answer was made to your request?—A. Mr. Swails, to whom I applied, said he was not chairman of the meeting, and referred me to one Tom Pressly.

Q. Did you see Tom Pressly?—A. I did.

Q. What did he do?—A. You mean what was his reply?

Q. Yes.—A. He said it was very wet, and that the people were going home as soon as Mr. Swails spoke.

Q. Did there seem to be any bad blood between the democrats and republicans?—A. I thought there was just before we left the ground.

Q. Do you know what occasioned this bad blood?—A. No, sir; I am unable to say.

Q. Did that bad blood seem to be general, or to be confined to a few persons?—A. It seemed to be confined to a group of persons, and not a general thing through the meeting.

Q. Was the democratic and republican speakers any way concerned in this?—A. I don't think so; at any rate the democratic speakers were not.

Q. About what time of the day did you leave there?—A. Between two and three—can't say precisely what time.

Q. Was there any disturbance going on at the time you left?—A. There was boisterous talking, but no blows, or anything of that kind.

Q. Did you see any persons there that seemed to be under the influence of liquor?—A. Yes, sir; I saw some of both white and colored.

Q. Was it among those parties that this loud talk was being had?—A. Yes, sir.

Q. You didn't hear any disturbance among the sober republicans or

democrats?—A. There was nothing abusive, but some loud talking. I was not very near it.

Q. You speak of seeing colored men with arms at Bay Church; did they seem to be as a company?—A. No, sir.

Q. Did you hear of any threats that day as to the use of arms?—A. No, sir.

G. S. COOPER.

Sworn to before me this 24th day of February, A. D. 1877.

[SEAL.]

S. W. MAURICE,

Notary Public.

THE STATE OF SOUTH CAROLINA,
Williamsburgh County :

I, Samuel W. Maurice, a notary public in and for the State of South Carolina, duly commissioned and sworn under the laws of the said State, do hereby certify that the foregoing thirteen pages contain a true and correct record of the testimony taken in the aforementioned case; and that all the witnesses therein testifying were each severally sworn upon the holy evangelists of Almighty God, as in such cases by law especially provided.

Given under my hand and seal this 27th day of February, A. D. 1877.

[SEAL.]

SAMUEL W. MAURICE,

Notary Public.

No. 14.

DEPOSITIONS TAKEN AT COLUMBIA, S. C.

Notice to take testimony.

JOHN S. RICHARDSON, CONTESTANT,	} Contested election.
<i>vs.</i>	
JOSEPH H. RAINEY, CONTESTEE.	

STATE OF SOUTH CAROLINA,
First Congressional District :

To Hon. JOSEPH H. RAINEY,
Washington, D C. :

You will take notice that on the 27th day of February instant, and from day to day thereafter, at Columbia, S. C., before W. K. Bachman, esq., notary public, I shall take the deposition and testimony of the following persons, to be read and used as evidence in the above-entitled cause, to wit: Gov. Wade Hampton, a resident of Richland County, South Carolina; Lieut. Gov. W. D. Simpson, a resident of Laurens County, South Carolina; Gen. Joseph B. Kershaw, a resident of Kershaw County, South Carolina; Gen. John D. Kennedy, a resident of Kershaw County, South Carolina; Gen. John S. Preston and Gen. Wm. Wallace, residents of Richland County, South Carolina; Gen. M. C. Butler, a resident of Edgefield County, South Carolina; Capt. E. W. Moise, a resident of Sumter County, South Carolina; Gen. James Conner, a resident of Charleston County, South Carolina; Col. A. C. Haskell, Col. L. F. Youmans, Col. F. W. McMaster, and Henry E. Hayne,

all residents of Richland County, South Carolina; Chief-Justice F. J. Moses and Capt. E. W. Moise, both residents of Sumter County, South Carolina.

Respectfully,

J. S. RICHARDSON.

SUMTER, S. C., *February 15, 1877.*

DISTRICT OF COLUMBIA,

County of Washington, ss:

Montgomery Blair, being sworn, on his oath saith that on this the 17th day of February, 1877, he served the within notice by delivering a copy thereof to the contestee, at his house in the city of Washington.

MONTGOMERY BLAIR.

Sworn to and subscribed before me the date above written.

[SEAL.]

R. S. TAYLOR, *J. P.*

Testimony taken before me, at Columbia, S. C., in the matter of John S. Richardson, contestant, *vs.* Joseph H. Rainey, contestee, for a seat in the House of Representatives of the Congress of the United States, on this 27th day of February, 1877.

E. W. MOISE, being called and sworn, deposes and says:

Question. Were you in the State of South Carolina during the election held on 7th November, 1876?—Answer. I was, and canvassed the State during the campaign.

Q. What was the policy of the campaign on the part of the democrats?—A. To make as much exhibition of power as they could, but to avoid any acts of actual violence.

Q. Was there during the campaign any resistance to civil process, or any interruption of the due and legal execution of the laws?—A. I knew of none such, and saw none such.

Q. Do you know anything of the introduction of the United States troops in the State, and the effect thereof?—A. United States troops were introduced into the State, just previous to the election, and I regard the effect as enabling the colored republicans to intimidate the colored persons who had previously proposed to vote the democratic ticket.

Q. State any instance you know of this.—A. I have been informed by my tenants, being colored republicans, who had proposed to vote the democratic State ticket and for Mr. Hayes, in this election, that they were afraid to do so because of the threats used toward them by other colored republicans to the effect that they would either be placed in slavery or lose some rights which they then enjoyed if the democrats went into power, and that the troops had been sent here for the purpose of requiring the colored people to adhere to their party, and for preventing the white people from persuading them or inducing them to vote the democratic State ticket.

Q. Can you give any names?—A. I can. The foreman on my plantation in Clarendon County, named Alfred Lemon, informed me in the presence of General Wade Hampton and others, at Manning, in said county, that he proposed to vote for the State democratic ticket, and that the men on the plantation proposed to do the same. He afterward informed me that he had not done so for the reasons above stated.

Q. Do you know of any other instances of intimidation towards the colored people during the late election?—A. I do. I was present at the mass-meeting at Sumter, addressed by Mr. Chamberlain, Mr. Cardoza, William E. Johnson, senator from Sumter, and others. I heard Mr. Cardoza say that the colored man who would vote for the democrats in this election would deserve to lose his freedom, and I heard William E. Johnson say that the democrats would treat them as Ehul was treated in the Bible; that Ehul was a portly man like the treasurer; that a petition was presented to him, and that when he asked to read the petition the petitioner advanced to him, and when he got close plunged a knife in his bowels; and so, he said, will the democrats. They offer you fair promises now, but if you ever let them get control they will lay something on your backs. This was heard by from two to three thousand colored people. I also know that a man named Albert Howell, in the town of Sumter, a colored hackman, was struck by a colored woman with an umbrella, simply because he spoke to her, alleging that she did not permit any colored democrat to speak to her.

Q. On the day of 7th November, did you see any troops of the United States near any of the polls?—A. Yes. At Sumter I saw two officers and a detachment of United States troops under arms, for three or four days before and three or four days after the election and on the day of election. Their camp was not over four hundred yards from the polling-place. Sumter is in the first congressional district.

Q. What was the effect of the proclamations of President Grant and Governor Chamberlain disbanding the rifle-clubs?—A. It was to encourage the colored republican and discourage the colored democrat. The whites had promised the colored voters who would vote the democratic ticket protection; these proclamations, disbanding the whites and leaving the colored military organizations undisturbed, dispelled the idea that the whites could protect them in their right of suffrage. After the proclamations were issued I saw a procession in the town of Florence, in Darlington County, on the occasion of a republican celebration, in which a company of colored troops paraded with guns and bayonets fixed. This was a political celebration addressed by Mr. Whittemore and others.

Q. Was the provisions of the State constitution requiring registration of voters previous to an election carried out?—A. It was not.

Cross-examined by Mr. Cavender on behalf of contestee:

Q. Did the officers or troops you have mentioned as being at Sumter interfere in any manner with the conduct of the election?—A. They did not, to my knowledge.

E. W. MOISE.

Subscribed to and sworn before me this 27th February, 1877.

[SEAL.]

WM. K. BACHMAN,
Notary Public.

Testimony taken before, me at Columbia, S. C., in the matter of John S. Richardson, contestant, vs. Joseph H. Rainey, contestee, for a seat in the House of Representatives of the Congress of the United States, on this 1st day of March, 1877.

JAMES CONNER, being called and sworn, deposes and says:

Question. Were you in the State of South Carolina during the election and the canvass preceding it, on the 7th of November last?—Answer. I was.

Q. Had any provision been made by the legislature for the registration of voters, in accordance with the constitution of the State; and was there actually any registration of voters?—A. No.

Q. What was the spirit in which the campaign was conducted by the democrats; specially in the first congressional district?—A. I was in Marion, Sumter, and Darlington Counties. In Darlington and Sumter I spoke with General Hampton, and with J. S. Richardson at Darlington and Marion. The spirit of the campaign and of the speeches was eminently conservative. The necessity of harmony between the races and the interest of both in securing a capable and honest government was dwelt upon by all the speakers. It was the special aim of all to show to the colored people that their interests and the interests of the white men were identical; that whoever else might go, they and we had to live here, and that unless there was a friendly co-operation of both races there was neither prosperity for the one nor security for the other; that the success of the democratic ticket meant reduction of taxes and increase of wages; that it meant a government strong enough to do right and to be just; that the government at present was powerless to protect the colored men either from other colored men or from white men; that this had been manifested in the disturbance on the coast, but that if Hampton was elected governor he would be strong enough to put down all lawlessness and give protection to every class.

Q. Do you know, during the campaign, of any resistance to civil process or any interruption of the due and legal execution of the laws?—A. None, except the resistance, near Yemassee, Beaufort County, to the arrest of riotous strikers by the sheriff, and the rescue of them from his posse; the rioters were all colored, were strikers.

Q. What do you know of the introduction of United States troops into this State during the canvass, and the effect upon the voters, and especially the colored voters?—A. I know nothing of the introduction of the troops; I only know that they came, and that their coming was accepted by the negroes of the low country as an indication that the Government intended that the negroes should vote the republican ticket. It was generally accepted that the object of their coming was to overawe the democrats, and to prohibit the rifle-clubs, or rather to disband them; in brief, it was to depress and neutralize the democrats and embolden and strengthen the republican leaders, and it succeeded and accomplished that work effectually.

Q. What effect had the proclamations of President Grant and Governor Chamberlain disbanding the rifle-clubs have?—A. I don't think the proclamations had any effect at all; it was the Federal troops enforcing the proclamations which gave life and efficacy to them. I don't think one negro in a hundred could either read or understand the proclamations, but they could all see the United States troops, and understand what they were there for.

Q. What do you know of intimidation by colored voters of other colored voters who wanted to vote the democratic ticket?—A. I know nothing, except in Charleston County, and there the intimidation of colored voters, democratic voters, by colored republicans, was general and very effective; large numbers who had pledged themselves recanted and said the pressure was too heavy.

Q. Do you know of any actual or threatened violation of the public peace in the first congressional district, which the civil authorities could not easily and readily suppress?—A. None.

Q. Under whose control has the State government—legislative, judicial, and executive—been since 1868?—A. For the past eight years the

republican party has had absolute control of the State and of every department of the State government.

Q. How many of the State board of canvassers are required to be present to form a board?—A. Four.

Q. Who were the persons who officiated as the board of State canvassers in canvassing the election returns of 1876?—A. H. E. Hayne, secretary of state; F. L. Cardozo, treasurer; H. W. Purvis, adjutant and inspector general; T. C. Dunn, comptroller-general; William Stone, attorney-general.

Q. How does the constitution require the comptroller-general and the attorney general to be chosen?—A. By election by the qualified electors of the State.

Q. How was Dunn chosen comptroller-general?—A. By election by the legislature.

Q. How did Stone become attorney-general?—A. He was appointed by Governor Chamberlain.

Q. How many of the board were constitutionally chosen to the offices by which they assumed to be members of the board?—A. Three, Hayne, Cardozo, Purvis.

Q. How many of the board of State canvassers were candidates for office at the late general election; and did they, and who of them, certify to their own election?—A. Hayne, Cardozo, and Dunn.

Cross-examined by Mr. Cavender, on behalf of contestee:

Q. Please state in what way you know that the coming of the troops was accepted by the negroes of the low country as an indication that the Government intended that the negroes should vote the republican ticket?—A. From the expressions of the negroes and from conversations or remarks of their leaders reported to me, and from speeches which were made, reports of which were reported to me.

Q. You mean that your knowledge was not derived from any communication you yourself had with the negroes themselves?—A. No, I do not mean that; I mean that I heard a number of negroes so express themselves; any one passing along the street corners near the court-house in Charleston, where there is always a number of negro republicans congregated, could hear their expressions, and they seemed to take particular pains to express themselves audibly whenever any known democrat of position was passing. In addition to what I myself heard, I, as a member of the democratic executive committee of the county, saw the reports which were made to us from the working committees of the wards in the city and from the precincts in the county.

Q. Please state at what elections the comptroller-general and attorney-general are chosen, and for what periods, respectively?—A. They are elected at the general election and for two years, and in case of vacancy, according to my understanding of the constitution, there must be a special election to fill the vacancy.

Q. Is there any provision of the constitution to that effect?—A. None except that the attorney-general and comptroller-general shall be elected by the qualified electors.

Q. For a term of years?—A. Yes, for a term of two—prior to last election for a term of four years.

Q. Without any express provision in case a vacancy occurred?—A. There is no express provision in case of vacancy.

Q. Is there an act of assembly which provides for the filling of such a vacancy, in case one occurs?—A. Yes, there is such an act; but as the constitution prescribes that those officers shall be elected by the

qualified electors, and delegates no power to the legislature to fill the vacancy, or to authorize the governor to fill it, I regard the act as unconstitutional.

Q. Was Dennis's election by the legislature pursuant to the provisions of the act of assembly you have mentioned?—A. I think it was.

Q. Was Stone's appointment by the governor pursuant to the provisions of that act?—A. I think it was.

Q. Did you appear before the board of State canvassers as counsel for certain candidates at the recent election, and for the people of South Carolina?—A. I did; and filed protests on behalf of the people against the board of State canvassers exercising jurisdiction and sitting as judges in their own cause.

Q. Did you file protests against Dunn and Stone acting as members of the board because they had not been legally elected to the offices of comptroller-general and attorney-general, respectively?—A. I did not.

Q. Are you, or are you not, aware of the fact that Dunn, Cardozo, and Hayne did not act as members of the board of State canvassers when matters connected with the determination and declaration of their election were passed upon?—A. I am not aware that they did not so act, and have no reason to believe that they did not so act.

JAS. CONNER.

Sworn to before me this March 1, 1877.

[SEAL.]

WM. K. BACHMAN,
Notary Public.

Testimony taken before me at Columbia, S. C., in the matter of John S. Richardson, contestant, *vs.* Joseph H. Rainey, contestee, for a seat in the House of Representatives of the Congress of the United States, on this 2d day of March, 1877:

HENRY E. HAYNE, being called and sworn, deposes and says:

Question. What position did you hold on the board of State canvassers of the election held in November, 1876?—Answer. I was secretary of state and chairman of the board of State canvassers.

Q. Were the returns from Black Mingo precinct, Williamsburg County, included in the canvass for member of Congress for first congressional district?—A. According to my best information, they were.

H. E. HAYNE.

Sworn to before me this 2d March, 1877.

[SEAL.]

WM. K. BACHMAN,
Notary Public.

Testimony taken before me at Columbia, S. C., in the matter of John S. Richardson, contestant, *vs.* Joseph H. Rainey, contestee, for a seat in the House of Representatives of the Congress of the United States, on this 2d day of March, 1877.

F. W. McMASTER, being called and sworn, deposes and says:

Question. State what you know of the spirit of the late campaign in 1876, as conducted by the democrats and republicans.—Answer. I was actively engaged as canvasser in four counties. In every one extraor-

dinary efforts were made for the conciliation of the negroes. I know of nothing on the part of the whites against the negroes. I have seen some intimidation attempted to be exercised by radical negroes against democratic negroes, and have heard of many instances, especially on the part of negro women against colored democrats. In Columbia, on 3d November, when Hampton addressed the people here, I rode at the head of the procession. There were some democratic negroes in the procession. There were bands of negro women on the pavements, jibing, ridiculing, and abusing them. The intimidation of colored democrats by colored republicans was, in my opinion, general and at times serious. I have no doubt it had great effect in preventing many colored people from voting with the democrats. I was struck with this at three public gatherings, where I considered it required a good deal of heroism for a negro to declare himself a democrat. Two of these meetings were democratic meetings; the other a republican meeting.

Q. Did there exist any necessity for the proclamation of President Grant and Governor Chamberlain disbanding the rifle-clubs?—A. There was not the slightest necessity for such proclamations; the State was in profound peace; there was no resistance to legal process; the course of justice was not interrupted so far as I know. I heard of commotions on the Combahee rice plantations, confined to the negroes.

Q. What was the effect of the proclamations of President Grant and Governor Chamberlain disbanding the rifle-clubs and of the presence of United States troops introduced in the State upon the colored voters?—A. It infused into the colored mind that the time for the forty acres and the mule had come. It paralyzed the negro who was willing to vote with us and emboldened the republican negroes. They acted with the idea that they were required by General Grant to vote the republican ticket.

Q. Has the registration required by the constitution ever been carried into effect by act of the legislature, and what political party is responsible for this?—A. It has never been carried into effect. The republican party has had entire control of all the departments of the state government since reconstruction, and have deliberately refused to carry the law into effect. I have heard several leading republicans say they never would carry the law into effect.

Cross-examined by Mr. Cavender:

Please state in what the intimidation of colored democrats by colored republicans consisted.—A. In remarks that the colored democrat, so and so, would vote himself into slavery. Negro who voted for a white man ought to be killed; that black negro sold himself to the white man—we will attend to that man, &c.

You say you know of nothing on the part of the whites against the negroes. Was there or not intimidation on the part of the whites against the negroes, in the shape of threatening them with loss of employment, or of continued possession of land they then had under rental?—A. I do not know of my own knowledge of any instances in reference to land; I have repeatedly heard some white democrats say they would not employ persons who voted against them. I do not recollect hearing any one say so to a negro.

Please state on what information you say, with reference to the proclamation of President Grant and Governor Chamberlain, and the presence of United States troops, that the negroes acted with the idea that they were required by General Grant to vote the republican ticket.—A. I was an active canvasser during the campaign. When I went to a public

meeting I mingled a great deal with the negroes and talked with them and my answer to the direct question on this subject is the result of the impressions made by those conversations.

Were these republican or democratic meetings?—A. They were both democratic and republican meetings.

When you went to these meetings, did you mingle and talk particularly with negroes who had the idea that they were required by General Grant to vote the republican ticket?—A. I made it my business, particularly at these meetings, to go out on the outskirts and discuss politics with radical negroes in every way to bring them out.

Please state what leading republicans you heard say that they never would carry the registration law with effect?—A. I cannot state particularly; I believe they were leaders of the party.

F. W. McMASTER.

Sworn to before me this 2d March, 1877.

[SEAL.]

WM. K. BACHMAN,
Notary Public.

Testimony taken before me at Columbia, S. C., in the matter of John S. Richardson, contestant, *vs.* Joseph H. Rainey, contestee, for a seat in the House of Representatives of the Congress of the United States, on this 2d day of March, 1877.

WILLIAM WALLACE, being sworn, says:

Question. State what was the spirit in which the campaign in 1876 was conducted on the part of the democrats and republicans.—Answer. On the part of the democrats great activity was used. The State had been ruined by the republican government, and they intended to use every lawful and proper means to redeem the State. The campaign was conducted peacefully and in a conciliatory manner. It was the first time that our white people had gone regularly into a canvass with the negroes. They wanted to give the negro the opportunity of hearing the truth, which they had not heard before in any political canvass, and the effect was tremendous. Had things been left to the normal and legitimate influences, I believe the State would have gone democratic by 50,000 majority.

Q. What was the effect of the proclamations of President Grant and Governor Chamberlain disbanding the rifle-clubs, and of the presence of United States troops, introduced into the State, on the colored voters?—A. It had the effect of taking away that confidence which the negroes were beginning to have in the native white people of the State again. It made them feel that they were powerless to protect them against those of their own race who were still under control of their radical leaders.

Cross-examined by Mr. Cavender:

Q. Were the rifle-clubs necessary to protect the negroes who were beginning to have confidence in the native white people of the State against those of their own race who were still under control of their radical leaders?—A. I think the organization of rifle-clubs was necessary to obtain for the democrats access to the negroes. It was the policy of the republican party to prevent the negroes from hearing truths. They had organized them into secret leagues, &c., and so oppressed had been the white people of the State, not being organized into militia companies, that the negro lost respect for them, and regarded them as a conquered race and their inferiors.

Q. Please state of your own knowledge the extent of these secret leagues.—A. Of my own knowledge I know nothing of the leagues, as I never sought membership, but I have no doubt of their existence.

WM. WALLACE.

Sworn to before me this 2d March, 1877.

[SEAL.]

WM. K. BACHMAN,

Notary Public.

Testimony taken before me at Columbia, S. C., in the matter of John S. Richardson, contestant, *vs.* Joseph H. Rainey, contestee, for a seat in the House of Representatives of the Congress of the United States, on this 3d day of March, 1877.

WADE HAMPTON, governor of South Carolina, being called and duly sworn, deposes and says:

Question. State what was the spirit of the campaign in 1876, as conducted by the democrats and republicans.—Answer. On the part of the democrats the effort was to make the campaign thoroughly conservative and conciliatory. I was in all the counties of the State, and saw no intimidation by democratic whites or negroes against republicans, white or colored. The only evidence of disorder I saw was in the first congressional district, where the colored republican voters endeavored to intimidate those of their own color who wanted to vote for the democrats; this was notably the case in Georgetown, where they used every effort to drive the colored voters from joining the democrats, and I heard threats of violence used by them. I was satisfied but for that pressure a greater number of the colored people would vote with the democrats. I believe that this spirit of race proscription was exercised all over the State, and exercised a very powerful and detrimental influence against the democratic party. All the addresses of the democratic speakers in the first congressional district were conciliatory. Mr. Richardson accompanied me and took the extreme course of conciliation.

Q. Did there exist any necessity for the proclamations of President Grant and Governor Chamberlain disbanding the rifle-clubs?—A. In my judgment there was no necessity. The judges all stated that there was no resistance to legal process; in my canvass I saw no evidence of interference with or resistance to law. The whole effort that I made during the canvass was to assure the people of the absolute necessity of preserving peace and abstinence from violence. As soon as the proclamation appeared I advised all the clubs to disband, and at no single meeting attended by me in the State was there an armed organization of men.

Q. What was the effect of these proclamations and of the introduction of United States troops upon the colored voters and upon the election?—A. I think that the presence of the troops produced a great change among the colored voters, from the fact that they were told that the troops were placed here for the purpose of making them vote the republican ticket. That the troops not being placed where they could have given protection to the colored democrats exercised an influence injurious to the democratic cause. I had applications from several places asking that troops should be placed to protect colored democrats. I did apply to General Ruger; troops were not sent, on the ground that he had not troops enough to send to the particular places. Troops were sent generally in larger numbers in the upper counties where the whites were in majority. In the low country where the republicans were in majority fewer troops were sent. Application was made for troops in

Georgetown, to protect democratic colored voters. I do not think they were sent until the day of election, if then.

Q. Has the registration of voters required by the constitution been carried into effect; what party is responsible if it has not been done?—

A. It has not been carried into effect. The whole administration of public affairs, since 1868, has been in the hands of the republicans.

Q. What is your official position?—A. I am governor of South Carolina.

Cross-examination by Mr. Cavender:

Q. You state you saw no intimidation by democratic whites or negroes against republicans, white or colored. Were there threats made by democratic whites, within your knowledge, that they would not give employment or rent their lands to colored persons who should vote the republican ticket?—A. I heard no threats of this kind, of my own knowledge. I did see that some of the democratic clubs did say they would not employ those who voted against them. That policy has not met my approbation. All the enunciations I have made called on our people not to have any proscription.

Q. Please state in what way the colored republican voters, in the first congressional district, endeavored to intimidate those of their own color who wanted to vote for the democrats.—A. Most of the information I have came from the colored democrats themselves, who said that threats were made against them by people of their own color. At the meetings they frequently jeered the colored democrats; and at Georgetown they followed the procession through the town, using violent language. The prominent colored republicans and women tried to keep the colored democrats from the meeting, and there I saw the only act of violence; they threw a brick at my carriage; nothing but the coolness of the democrats prevented a riot.

Q. You state that the negroes were told that the troops were placed here for the purpose of making them vote the republican ticket. State whether those who told them so had authority to tell them so.—A. I don't suppose they were told so by authority. They were led to believe this by party managers.

Q. Were the colored democrats limited to any particular part of the State?—A. No; colored democrats voted in every county of the State.

Q. Was the proportion of colored democrats to colored republicans greater in some parts of the State than others?—A. Yes; the proportion was greater in some parts of the State than in others. In Abbeville, Barnwell, Newberry, the proportion was greater than in Colleton, Beaufort, and Georgetown.

Q. Were there no troops placed in Barnwell, Abbeville, and Newberry?—A. Yes; there were troops there.

WADE HAMPTON.

Sworn to before me this 3d March, 1877.

[SEAL.]

WM. K. BACHMAN,
Notary Public.

Testimony taken before me, at Columbia, S. C., in the matter of John S. Richardson, contestant, vs. Joseph H. Rainey, contestee, for a seat in the House of Representatives of the Congress of the United States, on this 3d day of March, 1877.

LEROY F. YOUNG, being called and duly sworn, deposes and says:

Question. State what you know of the spirit of the campaign in 1876 conducted on the part of the democrats.—Answer. I was actively en-

gaged in the canvass from its commencement to its close, a greater portion of the time with Wade Hampton, the candidate for governor; and while in the first congressional district with John S. Richardson, the candidate for Congressman for that district. The spirit of the canvass was eminently conciliatory, resort being had to persuasion and appeals, and to the better feelings of the colored voters, notably so in the arguments and speeches of Hampton and Richardson. I know of no force or violence on the part of the democrats.

Q. Was there anything in the condition of the country justifying the proclamations of President Grant and Governor Chamberlain, and the introduction of United States troops?—A. In my judgment there was not. The State was in profound quiet, legal process unobstructed, and the administration of the laws uninterrupted. In fact, up to a very short time before the nomination of Hampton for governor by the democrats, a large fraction of that party was opposed to any nomination in opposition to Mr. Chamberlain's re-election, the most influential democratic newspaper in the State ably and zealously advocating that course.

Q. What was the effect of the proclamations and the introduction of the troops upon the election?—A. In my judgment it widened whatever breach may have existed between the two races, and impeded the tendency to union in political action which had been rapidly gaining ground, and very largely increased the republican vote, colored, and diminished the democratic colored vote which otherwise would have been given.

Q. Has the registration required by the constitution ever been carried into effect; and, if not, why not?—A. It has not, for the reason that the republican party, which for eight years has had entire control of all the departments of the State government, and also of the local judiciary and local financial matters in the counties, has chosen to disobey the positive mandate of the constitution.

Cross-examined by Mr. Cavender, for contestee:

Q. Please state in what way the introduction of troops widened the breach between the two races.—A. The published utterances of the governor immediately preceding the proclamations, and the introduction of more troops, threatened material injury to the State, in terms, and naturally induced the belief that the subsequent acts of the governor and President would be dictated with the desire to advance the interests of colored republicans at the expense of white democrats.

Q. Please state what utterances of the governor you allude to.—A. Especial allusion is made to his, Chamberlain's, letter to Col. A. C. Haskell, chairman of the executive committee of the State democratic committee, published in the papers and widely circulated as a campaign document.

Q. What was the general tenor of that letter?—A. Bitter denunciation of the white democrats and threats of injury to the material interests of the State constituted its tenor in this regard. The letter itself would furnish the best answer to the question; it was published early in October, 1876.

Q. Do you think that bitter denunciation of white democrats and threats of material injury to the State very largely increased the colored republican vote and decreased the democratic colored vote?—A. I think they did, followed by the proclamations, and the introduction of the troops foreshadowed therein.

LE ROY F. YOUMANS.

Sworn to before me this 3d March, 1877.

WM. K. BACHMAN,
Notary Public.

PAPERS OF CONTESTEE.

DEPOSITIONS TAKEN AT GEORGETOWN, S. C.

THE STATE OF SOUTH CAROLINA,
First Congressional District :

JOHN S. RICHARDSON, CONTESTANT,	} Contested election, United States House of Representatives, from first congressional district.
<i>vs.</i> JOS. H. RAINEY, CONTESTEE.	

JOHN S. RICHARDSON, Esq.:

SIR: Please to take notice that on the 30th day of March, 1877, at 10 o'clock a. m., in Georgetown, in the county of Georgetown and State aforesaid, before William H. Dorrill, a notary public, I shall proceed to take the depositions of James Murrell, Daniel Armstrong, John Shackelford, James Bossard, Dr. H. F. Heriot, E. C. Rainey, S. B. Gipson, Thomas Jandon, J. E. Collins, Talley Davis, John A. Howard, Collins Smalls, John Lee, R. F. Johnson, J. F. Miller, W. A. Johnson, Pompey Porcher, J. A. Baxter, William Vereen, Billy Washington, Robert Liley, Benjamin Richardson, John Scott, Mrs. A. G. Baxter, Dr. Hasford Walker, Thomas Fobb alias Tom Williams, Robert Liley, Bill Carraway, Jordan Hart, Joseph Bush, Paul Allston, Robert P. Smalls, Andrew Small, William Small, Charles H. Munnerlyn, William C. Eaddy, Isaac Clinton, J. M. Lesesne, Edward Dailey, W. J. Moultrie, (alias Carr,) Paris Prior, James Harvey, Henry Parish, Leonard Johnson, James A. Bowley, Joseph Brunson, John Grove, W. A. Sinclair, W. F. Johnson, Richard Grote, E. M. Allston, James Jenkins, Bristor Kinloch, James Atkinson, Rev. B. H. Williams, P. K. Kinloch, W. L. Webb, and Bill Carraway, all residents of the county aforesaid, the examination to be adjourned and continued from day to day.

JOSEPH H. RAINEY,
Per SAML. T. ATKINSON,
Attorney.

SOUTH CAROLINA, *Georgetown County :*

Personally appeared J. Hawey Jones, who, upon oath, says that he this day served Richard Dozier, esq., attorney for John S. Richardson, the contestant, with a copy of the above-stated notice.

J. HAWEY JONES.

Sworn to before me this 19th March, 1877.

[SEAL.]

R. O. BUSH, P. J.

THE STATE OF SOUTH CAROLINA,
First Congressional District :

JOHN S. RICHARDSON, CONTESTANT,	} Contested election, United States House of Representatives, from first congressional district.
<i>vs.</i> JOSEPH H. RAINEY, CONTESTEE.	

JOHN S. RICHARDSON, Esq.:

SIR: Please to take notice that on the 30th day of March, 1877, at 10 o'clock a. m., in Georgetown, in the county of Georgetown and State aforesaid, before William H. Dorrill, a notary public, I shall proceed to take the depositions of James Murrell, Daniel Armstrong, John Shackel-

ford, James Bossards, Dr. H. F. Heriot, E. C. Rainey, S. B. Gipson, Thomas Jandon, J. E. Collins, Talley Davis, John A. Howard, Collins Smalls, John Lee, R. F. Johnson, J. F. Miller, W. A. Johnson, Pompey Porcher, J. A. Baxter, William Vereen, Billy Washington, Robert Liley, Benjamin Richardson, John Scott, Mrs. A. G. Baxter, Dr. Hasford Walker, Thomas Fobb alias Tom Williams, Robert Liley, Bill Carraway, Jordan Hart, Jos. Bush, Paul Allston, Robert P. Smalls, Andrew Small, William Small, Charles H. Munnerlyn, W. C. Eaddy, Isaac Clinton, J. M. Lesesne, Edward Doiley, W. J. Moultrie alias Carr, Paris Prior, James Harvey, Henry Parish, Leonard Johnson, James A. Bowley, Jos. Brunson, John Grove, W. A. Sinclair, W. F. Johnson, Richard Grate, E. M. Allston, James Jenkins, Bristor Kinloch, James Atkinson, Rev. B. H. Williams, P. K. Kinloch, W. L. Webb, and Bill Carraway, all residents of the county aforesaid. The examinations to be adjourned and continued from day to day.

March 24, 1877.

JOSEPH H. RAINEY,
Per SAML. T. ATKINSON,
Attorney.

I accept service of this notice March 24, 1877.

J. S. RICHARDSON.

UNITED STATES OF AMERICA,

State of South Carolina, Georgetown County :

To Robert P. Smalls, William C. Eaddy, Joseph Bush, J. F. Miller, William Varen, W. L. Webb, James A. Bowley, W. A. Sinclair, Joseph Brunson, Henry F. Heriot, B. H. Williams :

You are hereby summoned to appear at the court-house in the town of Georgetown, State of South Carolina, on the 30th day of March, A. D. 1877, to testify and make affidavit before me in a case of contested election for member of Congress from the first congressional district of South Carolina, in which John S. Richardson is the contestant against Joseph H. Rainey, contestee.

Witness my hand and seal this 24th day of March, 1877.

WM. H. DORRILL,
Notary Public.

In my own person and by my deputies, on 28th and 29th days of March, A. D. 1877, notice was served by subpoena writ on the within-named persons: Robert P. Smalls, William C. Eaddy, Joseph Bush, J. F. Miller, William Varen, William L. Webb, James Bowley, W. A. Sinclair, Joseph Brunson, Henry F. Heriot, and B. H. Williams.

J. M. LESESNE,
Sheriff Georgetown County.

UNITED STATES OF AMERICA,

State of South Carolina, Georgetown County :

JOHN S. RICHARDSON, CONTESTANT,	} Contested election, first congressional district of South Carolina.
<i>vs.</i>	
JOSEPH H. RAINEY, CONTESTEE.	

THE STATE OF SOUTH CAROLINA,

Georgetown County :

ROBERT B. SMALL, (colored,) having been called as a witness by the contestee, after being duly sworn, testified as follows, to wit :

Question. Are you a resident of Georgetown County?—Answer. Yes, sir.

Q. Did you take any part in the last election?—A. No.

Q. Did you attend any polls at last election?—A. Yes; Club-house polls on Santee.

Q. In what capacity did you act there?—A. As a manager.

Q. At the last election-day, on 7th November last?—A. Yes, sir.

Q. Who were the other managers that acted with you?—A. William C. Eaddy and A. W. Cordes.

Q. What time did you open the polls that day?—A. Six o'clock.

Q. When were the polls closed that day?—A. Six o'clock in the afternoon.

Q. Were the polls regularly kept open from 6 o'clock in the morning to 6 o'clock in the evening?—A. Yes, sir.

Q. What occurred at the polls?—A. Everything was orderly at the polls.

Q. Was there any voting done?—A. Yes, sir.

Q. Was there any attempt, from your own knowledge, to prevent any voter from voting as he wanted to vote?—A. No, sir.

Q. Was there any act of intimidation in your presence to prevent any one from voting as they wished?—A. No.

Q. Whether or not any man voted as he wanted to vote?—A. Yes; they voted as they wanted to.

Q. Did you see any arms—guns, pistols, or clubs—used at the voting-place preventing anybody from voting?—A. No.

Q. Did you see or know of any arms or threats being used by any persons in the neighborhood of or approaches to the election that day to prevent persons from voting as they pleased?—A. No; did not see or know of any.

Q. Do you know of any votes or tickets being taken from any one who wanted to vote them?—A. No.

Q. Do you know Mr. Thomas E. Rhodes?—A. Yes.

Q. Did you see him on that day?—A. Yes.

Q. Do you know what he was doing there?—A. I heard him say to Mr. Lucas that he was sent there as supervisor.

Q. Do you know or not Mr. Rhodes carried tickets down there?—A. I do not know positively.

Q. Whether he knew or saw of any violence to Mr. Rhodes as distributor of tickets on that day.—A. He saw none at all.

Q. Situated as you were, if any violence was offered Mr. Rhodes, would you not have seen it?—A. Yes; I could have seen it if any violence had been offered him.

Q. Were you and the other managers properly sworn in?—A. Yes.

Q. How long had you been on Santee before the election?—A. I live there; was born and raised there.

Q. Do you know of any organized plan to prevent the colored democrats from voting by the colored republicans?—A. I do not know.

Q. Do you know if any such organized plan existed previous to the election?—A. I do not know.

Q. Do you know of any plan to turn the colored people out of their churches if they voted the democratic ticket?—A. No, sir.

Q. Do you recollect whether Mr. Barnwell challenged two or more voters as being under age?—A. Yes.

Q. What then took place?—A. We turned them off; and afterward their fathers came up and gave proof of their age, and was allowed to vote.

Q. Did Mr. Barnwell give you any proof of their being under age?—A. No, sir. He merely challenged them; gave no proof.

Q. When you closed the polls what did you do?—A. The managers and clerk proceeded to count the votes in the house. The house was open, and any one could have seen the votes counted if desired. No attempt was made to keep any one out.

Q. How did the number of votes compare with the poll-list?—A. There was one more vote in the ballot-box than was on the list.

Q. What did you do then?—A. We put them all back in the box, mixed them up, drew out one, and destroyed it.

Q. Did you hear of any troops coming here?—A. Never heard anybody speak about them.

Q. Do you know of any colored man doing any harm to any colored man that wanted to vote the democratic ticket for desiring to vote?—A. No.

Q. Do you know of any colored man who desired to vote the democratic ticket was harmed by a democrat for that desire?—A. No.

Q. Who was chairman of the board at Santee?—A. I was.

Q. What did the managers do with the box after the votes were counted?—A. I, as chairman, and W. C. Eaddy, managers, brought the box to Georgetown and delivered it to the commissioners of election.

Q. Was that box sealed up all the time until passed over to the commissioners?—A. Yes.

Q. Do you know of any republican bound by an oath to vote the republican ticket and no other?—A. I do know.

Q. Do you know if the colored republicans needed the protection of United States troops? If so, state the reason why.—A. I don't know.

Q. Before the election did you attend any meetings during the campaign?—A. I did.

Q. At those meetings did you hear any speeches made by R. M. Harriott?—A. Yes.

Q. Did you hear of any opposition in any of the meetings to Mr. W. H. Jones?—A. Did not hear anything particular; or did not pay much attention to the speeches.

Q. Did you know the ticket called the Jones ticket?—A. Yes.

Q. Did you read that ticket?—A. I think I did.

Q. Did you see Mr. Richardson's or Mr. Rainey's name on that ticket?—A. Paid not particular notice.

Q. Do you know of any one voter voting more than once at Santee polls?—A. Don't know of any.

Cross-examined by R. Dozier, esq.:

Q. Before whom did you qualify as manager?—A. Before Mr. R. O. Bush.

Q. How did you qualify?—A. Mr. Bush read the oath to me.

Q. What did you do after he read the oath?—A. Held up my right hand.

Q. What do you do then?—A. I signed the oath and gave to the clerk of the court.

Q. When was it you gave the oath to the clerk?—A. Same day at the clerk's office.

Q. Were all the managers present at the time you took the oath?—A. No; Eaddy and I were there.

Q. Were you present when Mr. Cordes took the oath?—A. No; I don't of his taken it.

Q. What do you mean or understand by intimidation?—A. I understand men to quarrel and to intimidate men from voting as they want.

Q. What you mean to intimidate men?—A. A man comes to you and

ask you to vote contrary to your will. One man meet another man, and quarrel and fight, and persuade him to vote.

Q. Did you know how every man wanted to vote on Santee?—A. All I know is every man came up voted as they pleased.

Q. Do you know if any other votes were put in the hands of voters after other votes were taken out?—A. I don't know.

Q. Were there loud speaking at or around the polls?—A. There were laughing, talking, &c.

Q. Did you hear any cursing or swearing?—A. No, sir.

Q. Were there a large crowd down the road?—A. Could not see down the road only about fifty yards in front.

Q. What was your position at the voting that day in respect to the road?—A. My position were often changed at the table by moving from one side to the other, which enable me to see down the road while facing that way.

Q. How much of that road could you see while facing that way?—A. I could see to the branch, which was on either road, about 150 yards.

Q. Could you see anything going beyond on the other side of the branch?—A. No.

Q. Did the voters come down these roads?—A. Yes; they could come through the plantations also; could not see down the plantation paths.

Q. Could you see any parties in these paths or roads with arms, beyond the branch?—A. No.

Q. If there were any persons above the branch interfering with voters, could you see them?—A. No; I could not see them.

Q. Did you remain at the table, where they were voting, all day?—A. Yes.

Q. Did you go off with the crowd?—A. O, no; remained at the polls.

Q. Could you have seen, if a row had taken place on the other side of the branch, could you have seen the row?—A. No, sir.

Q. Do you know whether Joe Bush or any other person organized a plan to prevent any other ticket being voted but the regular republican ticket?—A. Not that I know of.

Q. What part of Santee do you live in?—A. Upper part.

Q. What part of Santee River does Joe Bush live?—A. About two miles above me, on Upper Santee.

Q. Who is the leader of the republican party on Upper Santee?—A. We recognize Joe Bush.

Q. Did Joe Bush tell you what ticket he was going to vote that day?—A. No.

Q. Did you attend meetings and hear Joe Bush speak?—A. Yes.

Q. Do you know, after hearing Bush speak at any of these meetings, what ticket he was going to support?—A. No.

Q. Do you know whether Bush was in favor of W. H. Jones or B. H. Williams for senator?—A. I heard him say he was going to vote for Bruce H. Williams.

Q. Is he the only one you heard him say he was in favor of?—A. I heard him say he was going to favor of Mr. Rainey for Congress.

Q. Don't Joe Bush control the political party on Upper Santee—vote as he vote?—A. I don't know.

Q. Did you hear Harriott make speeches in Santee before or after the republican convention in Georgetown?—A. I think it was before.

Q. Was he allowed to make speeches in Santee after he bolted from the convention?—A. I suppose he was allowed there, but made no speeches.

Q. Did you see Harriott in Santee after the convention?—A. Yes; I saw him at Mr. Bush.

Q. Did you hear him and Bush talking politics?—A. No; I was at Bush's house, but Bush was not there.

Q. Did you see Harriott in Santee on the day of election?—A. Yes, about 8 o'clock a. m.

Q. Where was you and where was he when you saw him?—A. I was at the ballot-box when Harriott rode up on horseback.

Q. Why was he there?—A. Don't know.

Q. Do you know whether Harriott was a candidate for the legislature?—A. Yes, at the convention; but no conversation with him afterward.

Q. Did you see him more than once when he rode up on horseback?—A. No, sir.

Q. Did Harriott vote at Santee?—A. No.

Q. Did you hear any colored people tell him, Mr. Barnwell, there could be no more challenged there that day, or was there any excitement on account of Mr. Barnwell "challenging votes" as being too young to vote?—A. No; not in my presence.

Q. Did you tell the colored people Mr. Barnwell had a right to challenge, or did you hear either of the other managers tell him so?—A. I think I heard Mr. Eaddy tell the three men who came to vote to stand one side, as Mr. Barnwell had a right to challenge their vote.

Q. Did you hear any of the colored people question Mr. Barnwell's right to challenge votes?—A. No.

Q. What was the occasion then of Mr. Eaddy telling them to stand one side?—A. Crowd to slack.

Q. How long were these men allowed to stand aside before they were allowed to vote?—A. Until the crowd slacked.

Q. Did the witnesses that were brought up to prove that they were 21 years, swear to the age?—A. The witnesses were sworn that they, the voters, was 21 years old.

Q. Which one of the managers administered the oath to the witnesses?—A. Mr. Cordes.

Q. What oath was administered to them?—A. I think it was the same oath the rest of the voters took.

Q. Did any of the managers ask the witnesses when the voter was born?—A. No; only how old they were; they answered one was 21 and the other 22.

Q. Did you ask the witnesses how they knew the voters were 21 and 22?—A. Yes; they knew it was.

Q. Did they give any reason for knowing how old they were?—A. No reason given; only they knew they were; they were old enough to vote.

Q. Did you know if Mr. Barnwell left the polls that day?—A. Yes; he went up to Dr. Frost's plantation.

B. Did you have a Union League in Santee? Did you ever join any?—A. Never knew of any league in Santee; never joined any.

Q. Did you have a campaign club?—A. No.

Q. Was there a campaign club in Santee called Hayes & Wheeler club?—A. No; not that I know of.

Q. Do the colored people in Santee love Mr. W. H. Jones?—A. Love everybody, so far as he knows.

Q. Did you vote for Mr. Jones for senator four years ago?—A. Yes, I did.

Q. Did you vote for him this last time?—A. No.

Q. Why, what has he done?—A. Mr. Jones never asked me to vote for him; I promised Mr. Williams to vote for him and did.

Q. Was it pretty well known in Santee that Mr. Jones was a candidate for senator?—A. I hear him make a speech in which he told the people he was a candidate for the senate.

Q. Who was the clerk of the board of managers in Santee?—A. Mr. Munnerlyn, Charles H.

Q. Did he take down the voters' names as they voted?—A. Yes, sir; I noticed it.

Q. How was it that there was one more vote in the box than names on the list, yet you say Mr. Munnerlyn took down the names as they voted, and no man voted more than once?—A. It must have happened by one ticket being fastened to another.

Q. Was you the manager who took the ballots out of the box when started to count?—A. Yes.

Q. Was each vote in the ballot-box folded up according to law by itself?—A. They were.

Q. Were you present during the whole counting?—A. I was.

Q. Who kept tally?—A. The clerk, Mr. Mumurlyn.

Q. Who called out the votes to him?—Mr. Cordes.

Q. Did you as one of the managers add up the votes after the tally—did each one add up the figures of the number of votes cast?—A. Yes.

Q. In the addition, did each manager make it come out the same?—A. Yes.

Q. Did the addition of the managers agree with the addition of the clerk?—A. All agree.

Q. How many different persons were voted for at the Santee poll for senator?—A. Three.

Q. Do you remember the number each got?—A. I know Williams got the most.

Q. How many votes did Jones get?—A. Got some votes.

Q. Who kept the box after the counting was over?—A. Mr. Eaddy and I started immediately for Georgetown.

Q. What time did you get to Georgetown?—A. We did not get through counting until about daylight, and reached Georgetown soon next morning.

Q. How long had you been in Georgetown before you delivered the box to commissioners?—A. I found them at court-house on my arrival and delivered the box.

Q. Do you know Paul Allston?—A. Yes.

Q. Was he at Santee that day?—A. Yes.

Q. Do you know Henry Smith?—A. I have seen him.

Q. Was he at Santee that day?—A. Did not pay any particular attention.

Q. How many political factions were there on Santee?—A. Don't know.

Q. How many different kinds of tickets were out?—A. I know of what kind I had—a republican ticket.

Q. Did the democrats hold any meetings on Santee?—A. I don't know.

Q. What was the feeling towards the three candidates for senator between the people on Lower and Upper Santee?—A. The three were there to vote for, and Bruce Williams got the most votes.

Q. Do you not know that the people on Lower Santee were opposed to Bruce H. Williams for senator?—A. I do not know.

Q. Do you not know that the people on Upper Santee were opposed to W. H. Jones for senator?—All the people in Upper Santee I heard say was going to vote for Bruce Williams.

- Q. Did you ever attend a meeting at Mr. Bush's house?—A. Yes.
- Q. Did you ever attend the house of Mr. Bush's?—A. I visit there.
- Q. Did you ever attend any meetings at Cat Island, White Marsh, or Bennetts, or Lowndes', or lower down than the club-house?—A. No.
- Q. What time did you get to the polls on day of election?—A. About fifteen or ten minutes before 6 o'clock. Met there Mr. Ford and Mr. Cordes.
- Q. What time did Mr. Eaddy get there?—A. The same time.
- Q. What time did you see Mr. Rhodes?—A. Can't say what hour; saw him some part of the day.
- Q. Did Mr. Rhodes vote there that day?—A. Yes; don't know what ticket he voted.
- Q. Was Mr. Rhodes's vote objected to?—A. No.
- Q. Do you remember any voter desiring to vote a ticket that day torn in half—one part the republican ticket, the other the democratic ticket?—A. I don't know.
- Q. Were you at the polls all day?—A. Yes.
- Q. Do you know London Green?—A. I have seen him; lives at Mr. Lowndes's.
- Q. Do you think it would have been safe for W. H. Jones, J. E. Rhodes, and R. M. Harriott to advocate the ticket that had their names on in opposition to the Bruce Williams ticket?—A. I do.
- Q. Was it as quiet at the polls that day as at a previous meeting held near by some time before?—A. Yes; every thing was very quiet.
- Q. Do you know whether Mr. Bush held a meeting at Bennett's?—A. No; don't know.
- Q. Do you know how many United States officers were at the polls that day—supervisors?—A. There was two; Mr. Lucas and Mr. Rhodes.
- Q. What position did Paul Allston hold?—A. Constable.
- Q. Did Paul Allston use his authority?—A. I don't know; seen him about there.
- Q. Did you see any party come up to the polls, or at the polls, with arms, and after voting, going off with their guns?—A. I never seen or heard of any.
- Q. How many democratic votes were polled at Santee?—A. I failed to state how many.
- Q. How many votes polled altogether?—A. Five hundred and sixty some odd.
- Q. How many did Mr. Williams get?—A. Can't make a statement; but a long way ahead of all.

Redirect examination by S. T. Atkinson, esq.:

- Q. How long have you been living in Santee?—A. Was born and raised there, and still live there.
- Q. Were you present when the witnesses to the age of those challenged were sworn?—A. Yes; I am positive.
- Q. Are you certain Mr. Cordes administered the oath?—A. Yes.
- Q. Why was it done by Mr. Cordes, and not yourself as chairman?—A. Because I was hoarse, and Mr. Cordes, being an intelligent man, asked him to do so in my presence.
- Q. Were all the managers present when that was done?—A. Yes, sir.
- Q. Was Mr. Cordes a democrat or republican?
- (NOTE.—Objection by Mr. Dozier: Is not in reply to anything that came out in the cross-examination.)
- A. Mr. Cordes told me himself that he was a democrat.

Q. Was Mr. Lucas, who was there as supervisor, as he told him, a democrat?—A. Mr. Lucas told me he was a democrat.

Q. What was Mr. Rhodes?—A. Don't know, only he was supervisor.
R. P. SMALL.

Sworn to and subscribed before me this 31st day of March, A. D. 1877.

WM. H. DORRILL,
Notary Public.

UNITED STATES OF AMERICA,
State of South Carolina, Georgetown County:

JOHN S. RICHARDSON, CONTESTANT, } Contested election, first con-
vs. } gressional district, South Car-
JOSEPH H. RAINEY, CONTESTEE. } olina.

THE STATE OF SOUTH CAROLINA,
Georgetown County:

WILLIAM C. EADDY, (colored,) having been called as a witness for the contestee, after being duly sworn, testified as follows:

Question. Are you a resident of Georgetown County, and reside in Santee precinct?—Answer. I am; and do live on Santee.

Q. How long have you been a resident on Santee?—A. Born and raised there, and was there during the late canvass.

Q. Did you take an interest in the election?—A. Yes; I did.

Q. What poll did you attend at last election?—A. Santee poll, at club-house.

Q. In what character did you appear there?—A. Was one of the managers of election.

Q. How were you appointed manager?—A. By commissioners of election.

Q. Did you qualify, and before whom?—A. I did; before Mr. R. O. Bush.

Q. What did you do with the oath?—A. Filed it with the clerk of the court.

Q. Who are the other managers with you?—A. R. P. Small and A. W. Cordes.

Q. When was you appointed and qualified?—A. Some five or six days before.

Q. Was there a chairman, and who?—A. R. P. Small was chairman.

Q. How did things stand on the day of election?—A. Everything passed off quietly and orderly.

Q. Did you know of any attempt to prevent persons voting as they pleased?—A. Do know of any.

Q. Did you know of any threats, by either party, to prevent voting as they pleased?—A. No.

Q. Do you know of any one prevented?—A. No, sir; I don't. I believe every man voted as his free will.

Q. You know of no disturbance?—A. None at all.

Q. What time in the morning of the election did you get to the polls?—A. Ten minutes before 6 o'clock.

Q. Were all the managers present when the box was opened?—A. They were.

Q. What time did the polls close?—A. At 6 o'clock.

Q. Was there any violent demonstration of violence between 6 a. m. and 6 p. m. on election-day?—A. No.

Q. Have you ever seen an election before this one?—A. Have seen some half a dozen.

Q. Have you ever seen an election where things went off more quietly; if so, where?—A. Have never seen things go off more quietly than at this election.

Q. Do you or do you not know of any organized plans by either republicans or democrats to prevent men from voting as they desired?—A. No; I know of none.

Q. Did you or did you not feel an interest in the election?—A. I did, as a republican.

Q. If there had been any organized plans to prevent the colored men from voting the democratic ticket, would you have known it?—A. Certainly I would.

Q. Do you know of any thing that was dangerous for the colored man to vote the democratic ticket?—A. No, sir; I don't.

Q. Did you see any ticket taken from anybody there and torn up?—A. No, sir.

Q. Do you know of any fear on the part of the democrats that troops would be sent down there?—A. No, sir.

Q. Do you know of any troops being in South Carolina?—A. I heard there was some.

Q. Do you know if the people on Santee generally knew of there being troops in South Carolina?—A. I do not.

Q. Do you know what the troops were sent to South Carolina for?—A. I do not, but believe it was to give equal justice to all parties.

Q. Do you know of anybody being challenged at the polls on the day of election?—A. Yes.

Q. Who were challenged, and how many?—A. There were four; and challenged by Mr. Barnwell, on the ground of being too young to vote.

Q. Were the grounds for this challenge considered by the managers?—A. Yes.

Q. Did Mr. Barnwell give any proof of their being too young?—A. None; only they were small-looking boys. I saw them myself.

Q. Was there any evidence on the part of the boys that they were old enough to vote?—A. Yes; their fathers came up and proved they were old enough.

Q. Were their fathers sworn?—A. Yes.

Q. What was the oath?—A. The same as given to the other voters.

Q. Were they sworn to tell the truth?—A. Yes.

Q. Did you and the managers question their fathers as to the reason why they knew the boys were old enough to vote?—A. Yes, we did.

Q. How old did they say these boys were?—A. From 21 to 23.

Q. Was there any evidence showing that these boys were not 21?—A. No evidence.

Q. How did the managers decide the case between the boys voting after hearing the evidence?—A. They decided to let the boys vote. Mr. Cordes proved they were old enough to vote, as two of them formerly belonged to him.

Q. What Mr. Cordes was this?—A. Mr. A. W. Cordes, one of the managers.

Q. Were you present when the votes were counted and box sealed up?—A. I was there.

Q. How was the box sealed up?—A. After the votes were counted the box was sealed up by putting a piece of paper over the holes and writing our names across it.

Q. Upon counting the ballots, how did they compare with poll-list?—

A. There was one ballot more in box than names on poll-list.

Q. How did you dispose of this ballot?—A. Put them all back in the box, blindfolded the chairman, and he drew one out after they were all mixed up, and destroyed the one taken out.

Q. What did you do with the poll-list?—A. Put it in the box, and sealed up the box.

Q. In counting the votes, did you see any two or more ballots together?—A. I did.

Q. How were they put together?—A. They were folded together.

Q. Were they for the same person?—A. They were both straight-out democratic tickets.

Q. What did you do with the tickets?—A. Destroyed one, counted the other.

Q. What did you do with the ballot-box after counting and sealing it up?—A. I and Mr. Small took charge of the box.

Q. Who is Mr. Small?—A. A manager and chairman.

Q. What became of the box?—A. Mr. Small and I gave it to the commissioners.

Q. What time did you deliver it?—A. Between 1 and 2 o'clock next morning. It was no later than 1 o'clock.

Q. How far do you live from the polls on Santee?—I live five and half miles above the polls.

Q. Did you meet anybody traveling to the polls that day?—A. No, sir; I came very early.

Q. Did you see any demonstrations at any time?—A. No, sir.

Q. Do you know of any number of men, 400 or 500, prevented from voting on Santee?—A. No.

Q. Do you know of any number of men prevented from voting by violence?—A. No, sir.

Q. Do you know Joseph Bush, who resides on Santee?—A. Yes.

Q. Do you know of his having any band of men under him to prevent voting?—A. No; had none.

Q. Did he have any laborers on the Turpentine farm in ambush for that purpose?—A. No; had none.

Q. Do you know of one Joe Green, on Santee?—A. No.

Q. Did you threaten Joe Green or anybody else for not acting or thinking with you in politics?—A. No.

Q. Do you know whether or not the people of the lower part of Santee determined to vote the straight-out republican ticket after Mr. W. H. Jones failed to get the nomination?—A. Yes; they did agree to support the straight-out republican ticket.

Q. Do you know one Henry Smith, on Santee?—A. Yes, sir; well acquainted with him.

Q. Did Henry Smith say to you, or anybody else, that he hated the republican party?—A. He said this: He hated the damn Yankees, such as the Jones, Boroley, and Harriott.

Q. Do you know what was the feeling of the colored republicans against Henry Smith?—A. No.

Q. Do you know of any plan or determination on the part of the colored republicans to harm Henry Smith because of his being a democrat?—A. Know of no such combination.

Q. Do you know of any violence being offered him by the people?—A. No, sir.

Q. Do you know of the sentiment of the people of Lower Santee towards those of Upper Santee?—A. No.

Q. What was the sentiment during the campaign towards Mr. W. H. Jones?—A. During the first of the campaign the people had the same associate with him they usual had.

Q. Did you see what was called the Jones ticket on Santee?—A. Yes.

Q. Did you read that ticket—A. Yes, I did.

Q. Was Mr. Richardson or Mr. Rainey's name on that ticket for Congress?—A. Mr. Joseph H. Rainey.

Q. Look at this ticket.—A. This is Jones ticket.

(See Exhibit A, which has been identified as the Jones ticket by witness.)

Q. Do you know how many kinds of red tickets were there?—A. There were two different kinds; one was deeper red than the other.

Q. Were they both democrat or republican tickets?—A. One was a democratic ticket, and the other was the republican; the deep red was the republican ticket, and pale red the democratic ticket.

(Exhibit B shown to the witness and recognized as the regular republican ticket. Exhibit C shown to the witness and recognized as the democratic red ticket.)

Q. Was it possible for a man that could not read be made to vote the democrat ticket for the republican by means of the imitation exhibited, and vice versa?—A. Yes; they could.

Q. Were there many of those tickets on Santee?—A. Yes.

Q. Do you know how the red democratic ticket (Exhibit C) got on Santee?—A. I did not know.

Q. Do you know if any were put in ballot-box?—A. I think was some was in there.

Q. Did you ever see the regular democratic ticket?—A. Yes.

(Exhibit D shown to the witness as a democratic ticket, and identified by him as such.)

Q. What ticket did Mr. Rhodes exhibit on that day?—A. I don't know particularly what ticket he had.

Q. Did you ever see the Jones ticket?—A. Yes.

Q. Did you see the Jones ticket at Santee on day of election?—A. Yes.

Q. Do you know whether or not the governor's proclamation had an effect upon the people to intimidate the voters from voting the democratic ticket?—A. Don't know.

Q. What effect had it upon you?—A. It had no effect on me whatever.

Cross-examined by Mr. R. Dozier:

Q. Who went to the Santee polls with you?—A. Mr. Small.

Q. Did you come from home that morning?—A. Stopped the night before the election at Mr. Small's house and went to the polls with him next morning.

Q. Who did you find at the polls?—A. No one.

Q. How long had you been there before any one came?—A. Some seven or eight minutes before any one came.

Q. Who then came?—A. Mr. Cordes.

Q. Who else?—A. Several then came; don't know who. Mr. Cordes came.

Q. Who carried the box to the election place?—A. Mr. Small.

Q. What did you do with the box?—A. Put it on the table till the time came to open it, and opened it.

Q. What was the first step you took to open before you opened it?—A. Sworn the clerk in.

Q. Who swore him in?—A. The chairman of the board.

Q. If your first step was to swear in the clerk, how do you know who was chairman?—A. That they had a chairman appointed before we got there.

Q. Who appointed the chairman?—A. We, the managers.

Q. Where did they hold their meeting before they got there to elect a chairman?—A. They held their meeting there. That I answered the other question too quick.

Q. How long after Mr. Cordes got there you held this meeting?—A. Directly as Mr. Cordes got there.

Q. Who called the meeting to order before you had a chairman?—A. Let Mr. Cordes call the meeting, as he was an intelligent man.

Q. Who made the motion for the chairman?—A. Mr. Cordes made the motion.

Q. Had many people got there after you had organized?—A. Yes, sir; there were several people there.

Q. Did you see R. M. Harriot there at the time?—A. Did not pay particular notice.

Q. What time did you see him?—A. Do not know exactly; might have been three or four hours afterwards.

Q. Where was he?—A. At the club-house; about ten steps from the club-house, on his horse.

Q. Did you see him off his horse that day?—A. Did not pay particular notice whether he was off his horse or not.

Q. Were there many people there when you saw Harriott on his horse?—A. Yes, sir; many people coming to vote.

Q. Where was your position at the box?—A. Standing with my face towards the road; never set at all.

Q. Did you stand there the whole time the people were voting?—A. Yes, sir.

Q. Did you leave the table any time that day while the voting was going on?—A. No, sir.

Q. Could you see beyond the branch that was about 100 yards each way from the voting-place?—A. Could see 400 or 500 yards beyond the branch.

(The first answer was: I could see about 100 yards.)

Q. What was the distance from the road to the club-house?—A. About 50 yards.

Q. Did the bushes and trees on the branch grow down as far as the public road that the club-house stood?—A. Yes, sir.

Q. What is the direction of the road that passes in front of club-house?—A. Road runs east and west—just in front club-house—perfectly straight road.

Q. How far going east before the road bends?—A. I can't say how far, or whether it bends at all or not.

Q. How far west before it takes a bend?—A. I don't know.

Q. Did the people vote pretty rapidly after they got there?—A. Yes, sir; one would vote, step back, and another come up.

Q. What time Mr. Barnwell get to the polls?—A. Don't remember the hour I saw him.

Q. Who did you see first at the polls that day?—A. I think I saw Mr. Barnwell first.

Q. Do you know why Harriott was there?—A. No, sir; did not hear him say anything.

Q. Did you see the Jones ticket before Harriott got there?—A. Don't know whether it was before Harriott got there or not I seen it.

Q. Was Harriott's name on that ticket for any office?—A. I think it was for representative.

Q. Who else was on that ticket for representatives?—A. Pompey Kinlock, I think.

Q. Was there any other name on that ticket for representative?—A. I don't think there was any other name.

Q. Did you see any ticket there with Boroley's name on?—A. Yes, sir.

Q. Was Pompey Kinlock's name on the ticket with Boroley?—A. Don't know; Kinlock's name only on Jones's ticket.

Q. Who was the candidate on Jones's ticket for school commissioner?—A. I never take up the ticket to know who was on for school commissioner on Jones's ticket.

Q. Who was candidate for county commissioner on Jones's ticket?—A. Jobe Mazyck, and Tom Rhodes, I think, and forget who was the other one.

Q. Who was candidate for clerk of court on Jones's ticket?—A. Charles Sperry, I think.

Q. Who was for judge of probate?—A. Sam Read, I think. I think that was the name.

Q. How many of Jones's tickets did you see that day?—A. Some one or two, and probably more.

Q. Were these names you mention candidates on all the tickets you saw—the Jones ticket?—A. Had the same man on one ticket for one office. Had different men on different tickets for same office. Don't know how many different tickets there were; only saw two or three.

Q. Where did you see these tickets?—A. Saw them at the polls under the table.

Q. Did the managers put them under the table?—A. No, sir.

Q. Did you see how they got under the table?—A. No, sir.

Q. Were there any other tickets under the table?—A. Never paid any particular notice.

Q. Were there any other tickets there except the Jones ticket?—A. Certainly.

Q. What other ticket?—A. I saw the straight-out republican ticket, straight-out democratic ticket, and the other ticket, the democrat ticket.

Q. What was Jones's ticket called?—A. Independent ticket.

Q. Where were you when you saw all these tickets?—A. Was at the ballot-box.

Q. Where did you see those tickets; on or under the table?—A. I saw them on the table.

Q. Who put them on the table?—A. I don't know.

Q. Did you put any tickets on the table?—A. No, sir; had none to put on the table.

Q. How long had the polls been opened before you saw the tickets on the table?—A. Don't know exactly; it might have been one hour or two hours.

Q. Was it before or after you saw Harriott sitting on his horse?—A. I don't know whether it was before or after.

Q. When did you first find out there was a red democratic ticket on the ground on election-day?—A. Don't know what time; looked down and saw some under the table and some on the table.

Q. What did you do or say?—A. Did not do or say anything; the voting went right on.

Q. Didn't you leave the table and go out among the voters to see if they had any democratic red tickets?—A. No, sir; I did not think that was my business.

Q. Did you tell anybody to see if there was any among the voters?—

A. No, sir.

Q. Was there any excitement among the voters upon the discovery?—

A. I don't think there was any.

Q. Was Mr. Barnwell at the polls when this discovery was made?—

A. Yes; he was there.

Q. Did you see who put the tickets there?—A. No; did not.

Q. Did you see anybody distributing these tickets?—A. No, sir.

Q. Did you see anybody have these tickets?—A. Don't remember; it has been so long.

Q. Did you see anybody have the republican ticket?—A. Saw the republican ticket when the voter came to put in the box.

Q. How did you know whose red ticket it was?—A. One was a deeper red than the other, and could easily tell.

Q. Was the ticket not folded?—A. Yes; the ticket was folded with the eagle on the outside.

Q. Was all the tickets folded that way?—A. I believe they were.

Q. Who directed that the tickets should be folded that way?—A. Don't know of any understanding to that effect by the leaders on Santee that the tickets should be folded that way.

Q. Did any tickets go in with the eagle folded on the inside?—A. No; that I know of.

Q. Were all the tickets voted that day had the eagle folded outside?—

A. Noticed some with the eagle on the outside; there might have been some with eagle folded on the inside.

Q. Did you see either of the red tickets on or under the table before you seen the Jones ticket?—A. Seen them all there about the same time.

Q. Did you see any of the republican red tickets under the table?—

A. Yes, sir; I believe there was some of them there too.

Q. What became of the republican red tickets under the table?—A. They staid under there, I believe.

Q. The managers didn't take any up so the voters could get them?—

A. No, sir.

Q. Were there any democratic white tickets under the table?—A. Yes; there was some of them there too.

Q. Do you know how any of these tickets got under the table?—A. No, sir; I don't.

Q. Were you standing by the table from the time the polls opened until it closed?—A. Yes; I was there all the time.

Q. Did you electioneer any on day of election?—A. No, sir; did not say anything to a voter how he should vote.

Q. Who were the active electioneerers for the regular republican ticket that day?—A. I don't know, sir; my business was a manager.

Q. Did you see or hear any one take an active part in getting votes for the republican ticket on day of election?—A. No, sir.

Q. No one seemed to take an interest in knowing how the voters voted that day, at the polls?—A. I saw no one, so far as I know.

Q. The voters came up and picked their vote on the table?—A. No; each voter brought his ticket with him.

Q. Were there any persons on the republican side standing around the polls to see how any one voted?—A. No.

Q. Each voter then came up to the polls bringing his vote with him?—A. Yes.

Q. Did the voters come up to the election singly, or come together,

coming up the road?—A. Singly; come some together, some two or three together.

Q. Was Paul Allston at the election?—A. Yes, he was there.

Q. Had he taken a pretty active part in the election?—A. I don't know whether he did or not.

Q. Have you attended political meetings before the election?—A. Yes.

Q. Did you ever see Paul Allston at any of these political meetings?—A. Never took any particular notice whether seen him or not.

Q. Did you ever see Joe Bush at any of these political meetings?—A. Yes; I have seen him.

Q. Did you ever hear him make speeches there?—A. Yes.

Q. Did you ever hear him say in any of these speeches that he would not allow any other than the regular republican ticket voted on Santee?—A. No.

Q. Did you ever hear him say anything like that?—A. No.

Q. What did you hear him say about voting the regular republican ticket on Santee?—A. I never heard him say anything about the regular republican ticket or any other ticket.

Q. Did you ever hear him say no one shall vote the democratic ticket?—A. No.

Q. Did you ever hear him say anything about voting the democratic ticket?—A. No; all I heard him say was this was a free country, and could vote as they pleased.

Q. Did you ever hear him say anything about voting the Jones ticket?—A. No.

Q. Did you ever hear him say in any of his speeches that the democrats wanted to put the colored people back into slavery?—A. No; never heard him make such a remark.

Q. Did you ever hear any one make such remarks during the campaign?—A. No.

Q. Did you hear Mr. Gipson say anything about the election during the campaign?—A. No.

Q. Or Mr. Harvey Jones, or Mr. Bruce Williams, or Mr. Bowley?—A. No, sir.

Q. Who is the precinct chairman of the republican party on Santee?—A. Mr. Bush, Joseph.

Q. Who has charge of the State arms on Santee?—A. Don't know anything about them.

Q. Were there any State arms on Santee?—A. Don't know anything about them.

Q. Have you a militia company on Santee?—A. They had one there, but I believe it has been broken up long ago.

Q. When that company was there, did they have arms?—A. I don't know whether they had arms or not.

Q. Who commanded that company?—A. Could not tell; had nothing to do with it; don't know if Bush had command of them.

Q. Was you ever at Bush's house?—A. Yes; was at Bush's house.

Q. Did you ever see any arms at Bush's house except his own?—A. Never seen any. When I go there I attend to my own business and come out.

Q. Did you ever hear Bush say he had State arms in his house?—A. No.

Q. Did you ever teach school on Santee?—A. Yes.

Q. How far from Bush's house was your school-house?—A. Seven miles where I taught.

Q. Who was the trustee of that school?—A. Mr. Bush, Mr. Besselieu, and Isaac Small.

Q. Did you ever stay at Bush's house while teaching that school?—A. No.

Q. What was the name of the place where you taught above school?—A. Zion Church; the only place I ever taught school.

Q. Who was it taught school at Bush's house?—A. Don't know.

Q. Was there ever a school taught at Bush's house?—A. Not to my knowing.

Q. Did you ever see any State arms on Santee?—A. No, sir.

Q. How did you hear that United States troops were brought to South Carolina, as you mentioned to Mr. Atkinson?—A. I never heard it; read it in the papers.

Q. Do you remember what paper you saw it in?—A. Saw it Georgetown Times, and News and Courier.

Q. You heard of the governor's proclamation; how did you hear that?—A. Saw the proclamation stuck up at court-house.

Q. Which did you see first, the proclamation on the court-house or the notice in the papers that the troops were in the State?—A. It was so long that I forget which I saw first.

Q. You say everything was quiet on Santee?—A. Yes; before and after the election. Everybody thought it a free country, and could vote as they pleased.

Q. Were you not astonished to see the governor's proclamation?—A. No; not astonished.

Q. Do you know Henry Smith, on Santee?—A. Yes.

Q. Did you have any talk with him about the election?—A. No; none at all.

Q. Do you know whether Smith thought he would be allowed to vote as he pleased on Santee?—A. I suppose he did.

Q. Where was the ballot when you discovered the one more than on the list?—A. The ballots were in the ballot-box.

Q. Whether they had counted the votes before they had discovered the error?—A. They had.

Q. Whether the clerk had taken down the votes as counted for the several candidates before this error was discovered?—A. He had.

Q. When you discovered there was an error—the ballots were in the ballot-box—in counting the votes, did you let the ballots remain in the box?—A. We took them out and put them on the table as we counted them.

Q. In the progress of the count, had all the ballots been taken out the box and put upon the table?—A. Yes.

Q. When you had finished the count, did the clerk aggregate the counts for the different candidates?—A. He did.

Q. Did the managers, each of them, add up the votes, too, to see if the clerk was right?—A. Yes.

Q. All came out the same?—A. Yes.

Q. Who discovered the difference between the poll-list and ballots?—A. The clerk did.

Q. Was that before or after the managers added up the list?—A. It was after the managers added up the list.

Q. Was this discovery made after the counting, and the clerk had made the entry the number of votes each candidate had received?—A. It was.

Q. Was this paper so made out by the clerk signed by the managers

as the result of the election?—A. It was. (Witness qualifying it afterward.) I don't remember.

Q. How many papers, showing the result of the election, was made out by the clerk on that occasion?—A. I don't recollect.

Q. Did the managers add up and verify more than one paper?—A. I don't remember. So many questions has been asked me to-day that I am confused.

Q. When this error was discovered by the clerk, what did the managers do?—A. They put the ballots in the box.

Q. What time of night was it?—A. About midnight.

Q. How many lights did you have in the room?—A. Some half-dozen lamps on the table. (The table was larger than the one referred to in his presence, which is about three feet long by two wide.)

Q. Good many people stand around that table to see the count go on?—A. Yes, sir.

Q. After you put all the ballots back in the box, what then?—A. We blindfolded the chairman, stirred up the ballots, and he drew one out of the box and destroyed it.

Q. What did you do next?—A. We then sealed the box and had it fixed up.

Q. Did you put the poll-list in the box?—A. Yes.

Q. Did you put the paper the managers all signed in the box?—A. I believe we did put it in the box. I am certain of it.

Q. You told Mr. Atkinson, on Saturday, that in counting the votes it was discovered that two tickets were folded together, both of them straight-out democratic tickets; one of them was destroyed and one counted. Did that occur before or after the discrepancy between the poll-list and ballots in the box was discovered by the clerk?—A. Does not remember, but that it occurred during the counting.

Q. After you got through counting and sealing up the box, and put all the papers in the box, how did you rectify this discrepancy between the poll-list and ballot?—A. We had it all rectified before we sealed the box up; of course, we could not rectify it afterwards.

Q. You have said that the votes were counted—the clerk had taken down the names of the candidates and the number of votes that each candidate received. Whose name was written on that ballot that was destroyed?—A. Don't know whose ticket it was; was not read by the managers.

Q. If you did not know whose ticket that was, how was the managers to know how to rectify the votes as written down by the clerk?—A. Don't remember what process we went through with to verify the vote; his mind is confused.

Q. Do you think your mind was confused when you gave testimony in regard to arms on Santee?—A. No.

Q. Your mind is only confused, then, when you are asked questions, and do not understand the effect of the answer you may give?—A. My mind is confused when Mr. Dozier asks me a lot of things together.

Q. You have said that you do not know that Joe Bush ever commanded a militia company on Santee. If you do not know so notorious a fact connected with Bush, how do you undertake to say he has no influence over the voters on Santee to make them vote differently from what they might wish?—A. I don't know anything about the militia, but I know Bush has no influence over any voter on Santee; every man votes as he pleases.

Q. Asked if witness ever went to school to Joe Bush?—A. I went to him to school.

Q. How long did you go to school to him?—A. I don't remember.

Q. Did you go two different seasons, or the time in one season?—A. I don't remember.

Q. What was the condition of your education when you commenced to go to school to Joe Bush?—A. I don't remember.

Q. Did you know your letters when you started to his school?—A. Yes; I knew my letters.

Q. Did you commence the study of arithmetic before you went to Joe Bush's school?—A. I don't remember.

Q. Did you study arithmetic under Joe Bush?—A. Don't remember.

Q. Have you been to school to anybody since you left Joe Bush's school?—A. I believe I have.

Q. To whom and how long?—A. I don't know how long; to several different persons, and can't recollect who they were, or whether he studied arithmetic under them.

Q. Did you take an active part in the campaign between Green and Chamberlain?—A. Yes.

Q. Do you recollect W. H. Jones in that campaign, and which side was he on?—A. I believe he advocated Judge Green; recollect him very well.

Q. Do you remember having any talk with him about the election?—A. No; don't remember.

Q. Do you remember having a talk with him opposite Bush's house, just below the bridge?—A. I saw him there; had no talk, only said good morning.

Q. Who was with you when you met him?—A. I don't remember.

Q. You said on Saturday that there was no one on Santee that would injure Henry Smith. How do you undertake to say that there was no one on Santee that would injure Henry Smith?—A. I don't know.

Q. What was your answer to Mr. J. H. Jones about the sentiment of the people on Upper Santee and Lower Santee?—A. I told him I did not know from the first commencement of the campaign.

Q. Was there any meeting on Santee, of the people of Upper and Lower Santee, after the convention?—A. There was.

Q. How many people were at it?—A. Don't know; might be 50, or might be less.

Q. Who called that meeting?—A. Bush called it.

Q. What was the difference between the Jones ticket and the regular republican ticket?—A. The difference is: on the regular nominee ticket B. H. Williams, senate; house, Charles Green; Pompey Kinlech, sheriff; James Lesessa, clerk of court. I think had S. J. Menthe, judge probate; R. O. Bush, school commissioner; S. B. Gipson, county commissioner; J. H. Jones, Joseph Bush, and James Magill; coroner, Frank Lawrence. On the Jones ticket—I don't know without seeing the ticket. Believe Pompey Kinlech was on some of the tickets, as there were several of them. Did not take any notice if anybody distributed the ticket.

Q. Did R. M. Harriott vote at the Santee polls?—A. I don't know whether he did or not.

Q. Did Joe Bush vote there?—A. Yes.

Q. When was it you first saw him on the ground that day?—A. The early part of the day; what hour can't say.

Q. Was he there during the whole day?—A. I think he was, until the polls closed.

Q. What part of the day did he vote?—A. Could not tell.

Q. Did you see Paul Allston there?—A. Yes; believe he was there all day.

Q. Was he active in the election?—A. I believe he was appointed an officer, a constable, or some kind of an officer. .

Q. Did he take an active part in the election?—A. I don't know.

Q. Did you have any conversation with Paul Allston or Joe Bush after the polls were opened and before they closed?—A. No; never spoke to either of them.

Q. Do you know whether Joe Bush or any one else, or any combination was there that day to prevent the voters from voting any other ticket than the straight-out republican ticket?—A. No; don't know anything about it.

Q. You have said in answer to direct examination that the people all came together and determined to vote the straight-out republican ticket; where did they come together?—A. I don't know where they came together.

Q. Did they ever have a meeting that they came together and formed that conclusion?—A. Does not know.

Q. Did you see this regular ticket before the day of election? (Exhibit B.)—A. No.

Q. Did the ticket marked "Exhibit B" get the most votes on Santee?—A. It did.

Q. Did W. H. Jones get many votes on Santee?—A. Not very many; he got some down there.

Q. Was Jones's votes counted?—A. Yes; count all that was in there.

Q. Was the result of the votes W. H. Jones got there put in your return to commissioners of election?—A. I believe so.

Q. How many votes did R. M. Harriott get at Santee?—A. I don't know.

Q. How many votes did Pompey Kinloch get at Santee?—A. I don't know; it has been so long don't remember it.

Q. How many votes did J. A. Bowley get at Santee?—A. Can't say.

Q. Who got the most, Bowley or Kinloch?—A. It has been so long, don't remember.

Q. To whom was the republican tickets sent for distribution?—A. Don't know.

Q. Was the ticket nominated here as the regular republican ticket voted for on Santee?—A. Yes, the people made up their minds to vote the regular republican ticket.

Q. Do you know how many different classes of tickets there were?—A. I know there was a regular republican, a regular democratic ticket, four Jones tickets, and one red democratic ticket. I saw all of these. Don't remember what hour.

Q. Where did you see them?—A. At the ballot-box; some on and some under the table.

Q. Did you read them?—A. Not all. I saw them under the table.

Q. Which ones did you read?—A. My eye passed over all, but I never particularly read them.

Q. How did you know there was four classes Jones tickets under the table?—A. I knew there were. I did not read them; I knew they were, for I have four of them home now.

Q. Do you know who put those four different classes Jones tickets under the table?—A. No, I don't.

Q. Do you know when they were put there?—A. I don't.

Q. Designate the four classes of Jones tickets.—A. They are all of the same color; some had on Pompey Kinloch for representative, and E. H. Alston, if I am not mistaken. One ticket had on for representatives R. M. Harriott and Charles H. Sperry; another had, if I mistake not, Frank Bram and some other name, I don't remember, for representa-

tives; and the fourth ticket, I could not say what names were on it, it has been so long, without seeing the tickets.

Q. Did these four classes of tickets have the same men for same office, or different men?—A. Different men through the whole ticket.

Q. Were any of the four classes of tickets voted at election?—A. There might have been; it has been so long I forgot.

Q. On the first ticket, who was on it with Kinloch and Alston for Congress?—A. Rainey.

Q. On No. 2 ticket, with Harriott and Sperry, who was on it for Congress?—A. Joseph H. Rainey. On all the Jones tickets each class had different names for different offices, except for Congress.

Q. On the first ticket with Kinloch and Alston, who was on the ticket for senator?—A. I don't know, but know Rainey was on it for Congress. W. H. Jones was on it for senator.

Q. On the second ticket with Harriott and Sperry, who was on it for senator?—A. I don't know who was senator on either the second, third, or fourth class of tickets.

Q. Did any colored men vote the democratic ticket?—A. I don't know.

Q. Where did the people meet on Santee to agree to support Bruce Williams after the convention?—A. I don't know where they met on Santee.

Q. Did they meet on Santee?—A. Don't know.

Q. What church do you belong to?—A. Methodist church.

Q. How many different churches do you attend on Santee?—A. Four; sometimes five.

Q. When did you attend these churches?—A. On Sunday.

Q. How long after the convention did you attend these churches?—A. I don't know what day the convention was on, and fail to state the date.

Q. How many senators received votes at the polls on election-day?—A. Three senators.

Q. Did they all get corresponding number of votes?—A. No; don't know how many each got.

Q. As one of the managers at the counting of the votes are you satisfied each candidate received a certain number of votes?—A. Yes.

Q. How did you seal the box?—A. Sealed the top of the box over the hole they put the vote in. Don't know what it was sealed with. Did know, but forgot.

Q. Who had the key of the box when the box was brought to town?—A. The chairman.

Re-direct examination :

Q. You alluded to-day to what your clerk did; what he did was it not done in the presence of all the managers?—A. Yes; was with the full understanding and approbation of the managers.

Q. Who is Mr. Cordes?—A. He was one of our managers.

Q. What sort of man was he?—A. An educated and intelligent white man.

Q. Was he there from the opening to the end of the polls?—A. Yes.

Q. Was there any discord among the managers?

(Mr. Dozier objects to the question as not in reply to anything that came out in the cross-examination.)

A. No; there was not.

Mr. Atkinson closes.

WILLIAM C. EADDY.

Sworn to and subscribed before me this 3d day of April, A. D. 1877.

WM. H. DORRILL, N. P.

Q. Do you know the fact, if it is the fact, that the people on Santee, from Allendale plantation down to some eight or ten plantations, were compelled to vote the republican red ticket against their will?—A. It is not a fact that they were compelled to vote such ticket.

Q. Do you whether the people on Santee anywhere around were compelled to vote the republican ticket?—A. No, sir. None of the people on the whole river were compelled to vote the democratic or republican ticket.

Q. Was there or was there not any threats from voting as they pleased?—A. There was no threats to my knowledge.

Q. Did you ever threaten any one from voting the democratic ticket?—A. No.

Q. What was the steps taken by you to induce people to vote as you desired them to vote?—A. As a republican we call the people together and hold republican meetings, and reason with them, tell them who were the candidates, and endeavor by argument to induce the people to vote the republican ticket.

Q. Were you at the polls on day of election, and moving about in the crowd gathered there that day?—A. Yes.

Q. Did you see any act of violence against men desiring to vote?—A. None, whatever.

Q. Did you see any searching of votes, or anything of that kind, at or around the polls, or any tickets torn up, by any one on that day?—A. I never seen any tickets torn up or any violence done.

Q. Do you know of any excitement in the crowd by the circulating of tickets there?—A. On one occasion, that is from the side of the democracy, while the voting was going on, a bogus ticket came in, between the hours of eight or nine o'clock, a ticket, similar to the regular republican ticket, with the eagle flying and the union republican torn off.

Q. Was this the cause of any excitement?—A. One of the men got hold of the ticket—I believe Ellick Lewis brought the ticket; I did not see him when he came; it was reported so—when the ticket was brought to me by a man—

(Was stopped from saying what the man said.

Exhibit C was shown witness, and said that was the ticket that created the excitement in the crowd.)

Q. What apprehension did you feel, as one interested in the election, by the circulation of such ticket in the crowd?—A. It showed to me as a fraud upon the republican party, and every one took it that way.

Q. If you regarded that is injuring the republican, explain how.—A. I considered it a fraud upon the party, taking away the right they wanted to support.

Q. How was it calculated to injure the party, should it come into the hands of ignorant men?—A. Because it represented the republican party wrongly. Identify the same ticket with different names.

Q. What names are on the ticket?—A. (Exhibit C shown witness and read, as follows:) Tilden and Hendricks, for President and Vice-President; at large, Theodore G. Barker, Samuel McGowan; first district, John W. Harrington; second district, John Isaac Ingram; third district, William Wallace; fourth, John D. Ervin; fifth district, Robert Aldrich; governor, Wade Hampton; lieutenant-governor, W. D. Simpson; secretary of state, R. M. Sims; comptroller-general, Johnson Hagood; State treasurer, S. L. Leaphart; attorney-general, James Conner; State superintendent education, H. S. Thompson; adjutant and inspector general, E. W. Moise; for Forty-fifth Congress, first district, J. S. Richardson; solicitor third circuit, J. J. Dargan; for State sena-

tor, R. Dozier; representatives, R. M. Collins, Henry McD. Hale; clerk of court, W. F. Shaw; judge probate, C. R. Anderson; school commissioner, F. W. Macusker; county commissioners, Henry I. McDonald, A. J. Jackson, W. R. Beamer; coroner, Sherold Johnson; constitutional amendment, Yes.

Q. Were all these names democrats?—A. They are all democrats.

(Exhibit B handed witness and recognized as the regular republican ticket.)

Q. In what respect does the ticket on which you read the names out on Exhibit C like the Exhibit B?—A. The republican ticket is a shade lighter than the democratic ticket.

Q. Excepting the difference in the names and shade, is it in all other respects like the straight-out democratic ticket?—A. Yes.

Q. Have you seen others like the exhibit?—A. Yes.

Q. Does it not imitate in the eagle and motto on top of ticket?—A. Yes. (Witness read the motto:) "Union republican ticket. Victory."

Q. Why had you apprehension of fears by the circulation of these tickets?—A. Should those tickets be put in the hands of ignorant voters they could be made to vote the ticket, and we had some three or four distributors of tickets on the road—republican ticket distributors—who had the ticket folded up, with eagle on the outside, as they gave them to voters, and if these imitation tickets had of been put in the hands of the ignorant, unless read by some one that could read, they would not have been detected; but when they were detected it caused an excitement.

Q. Do you know, sir, of any other cause of excitement, except the producing of those votes?—A. No. One or two trifling things, not worth mentioning. So many tickets the people did not know how to vote.

Q. Did you have any men along the road to bushwhack the men going to the election or to any meeting before the election?—A. No, sir.

Q. Jobe Mazzeu says he was told by one Isaac Barron that he, Joe Bush, Uppertop, G. B. Gipson, had placed men along the road to shoot Mr. W. H. Jones on his way to a meeting before the election; was that so?—A. No.

Q. Did you ever do it?—A. No.

Q. Did you ever do so along with Gipson or Uppertop?—A. No.

Q. Do you or not know whether Gipson or Uppertop did?—A. Don't know that they ever did.

Q. Did you ever give men grog and make them drunk to do that—to shoot Jones?—A. No.

Q. Did you ever use the substance of the county—corn, &c.—for electioneering purposes?—A. No.

Q. Did you ever resort to other than fair argument to induce men to vote?—A. Nothing but give them wholesome advice.

Q. So far as an active politician, do you know what effect the knowledge of the fact of the presence of the United States troops in the State had upon the voting population of Santee?—A. No effect; they did not know anything about it.

Q. Do you know if any of the voters were turned out of church for voting the democratic ticket?—A. No, sir; not my way.

Q. Whose name was on the Jones ticket for Congressman?—A. I have seen three of Jones's tickets, and the three had on Rainey's name for Congress.

Q. Could you explain those tickets?—A. I don't remember. One was

headed with B. H. Williams, and Tilden and Hendricks on the bottom ; and two headed with W. H. Jones for senator.

(Witness shown a ticket, and recognizes it as one of the Jones tickets, Exhibit E.)

Q. What effect had that ticket upon the minds of the people on Santee?—A. It hadn't much effect ; it was brought there by Mr. Rhodes, and he never came there until 12 o'clock that day.

Q. Did you see any boisterous action, or language abusive, that day, or any act of violence, by the republicans?—A. I never seen any ; everything was peaceable and quiet.

Q. Did you see R. M. Harriot at the polls on Santee?—A. I saw him when he came there.

Q. Did you have any talk with him?—A. No.

Q. Did you see any crowd around Harriot while he was there, who was trying to get the tickets from him to destroy them while he was pasting his name over the names of Breen or Kinloch, candidates on the regular republican ticket for the legislature?—A. I did not see. If the crowd was around him, it might have been before he got up to the club house.

Q. Did you at any time say that Jones was a democrat, and that you would not allow the Jones ticket, or any other ticket, voted on Santee, but only allow the republican ticket voted there?—A. No.

Q. Do you know Ely Howard?—A. No.

Q. Did you ever have any talk with any one in Georgetown that you could make the people on Santee vote as you desired?—A. No, sir.

Q. Did you ever say in a speech at Sam Carr's store that any one came to Santee advocating any other than a republican ticket was a damn fool, and would be killed?—A. No, sir.

Q. Do you know of any republican that was bound by a republican oath to vote the republican ticket and no other?—A. No, sir.

Q. Did you hear Mr. Harriott, at any time prior to the last election, make any speeches on Santee against Mr. W. H. Jones?—A. Yes.

Q. Where at, and what was the nature of them?—A. Had one at Mr. Allston's house in June, and one at club-house in August. The tendency of the speech was to kill Jones out and support Bruce Williams.

Q. Did he or did he not center his spite against Mr. Jones, and not the democratic party?—A. He centered his spite against Mr. Jones.

Q. To what party does Mr. Harriott and Mr. Jones belong to?—A. They formerly belonged to the republican party, but don't know what they belong to now.

Q. Do you or not know whether Jones's or Harriott's names were on the democratic or republican ticket?—A. If my memory serves me right, it was on the bolting ticket.

Q. Was they on the democratic ticket or republican ticket?—A. No ; not on either of them. They were on the bolting ticket.

Q. What was the prevailing sentiment on Santee about the United States troops?—A. Does not know. Never had any conversation upon that subject. Only thought they were sent here for every one to vote as they chose.

Cross-examination by Mr. R. Dozier :

Q. What year did you come to Santee?—A. Latter end of November, 1865.

Q. Where did you come from?—A. Charleston.

Q. In what capacity did you come to Santee?—A. Mechanic.

Q. Did you come there in 1865 in view of looking for work, or by contract?—A. I came looking for work.

Q. Did you find mechanical work plentiful in 1865?—A. Sometimes got plenty to do, and sometimes idle.

A. Who did you work for first when you came there in 1865?—A. William Bull Pringle.

Q. How long did you work for him?—A. Some four or five months.

Q. Who did you next work for?—A. Mr. Hazard, Dr. Frost, Mr. Doar, Mr. Lucas.

Q. How long did you work for each of them?—A. Don't remember; simple little jobs.

Q. Have you been pursuing your calling as a mechanic regular since 1865 to the present time?—A. Not always. Sometimes I get something to do by the month; not dependent upon that. Sometimes I get work for two or three weeks.

Q. You say you are not dependent upon your calling; how else did you make your living?—A. I work in the rice-field, corn-field, and plant.

Q. Do you do the manual work of your farm yourself, or hire it to be done?—A. Sometimes I get hands to work for a portion of the crop, sometimes I do it myself.

Q. What was the average number of acres of rice-lands you have planted for the last eight years?—A. Can't answer.

Q. What average crop you have made?—A. I have made 250 bushels, the most, gross amount.

Q. About what average?—A. I never set down in a book; never keep an account of it. I made last year on 25 acres 25 bushels rice.

Q. How long have you been county commissioner?—A. Two years and five months.

Q. Did you not get more out of that than from any other calling?—A. Yes; I have made a living out of it for the last two years.

Q. You have been a political leader on Santee since 1868, have you?—A. I never took an active part in it until the last three years.

Q. Have you commanded a militia company on Santee?—A. I did for a few weeks.

Q. When was that?—A. It was the time Governor Moses was elected. I think it was four years ago.

Q. How many members you had in the company?—A. I think it was thirty-five or forty.

Q. Were they armed?—A. Yes; they were armed.

Q. Where did those arms come from?—A. I don't know. Jones brought them up there in a wagon.

Q. What number of arms were they?—A. I think forty or fifty guns.

Q. Did you give Jones a receipt for these arms when they were turned over to you?—A. Gave no receipt.

Cross-examination continued by Mr. J. J. Hucks on the part of contestant:

Q. Were you turned off by Mr. Middleton for attending the convention in Georgetown?—A. Yes, sir.

Q. Do you mean to say you were turned off for your political opinions?—A. Does not know.

Q. Was it because of the loss of time to Mr. Middleton that you were turned off?—A. I don't know.

Q. Was the position you held on Mr. Middleton's place an important one?—A. Yes, required my daily presence.

Q. Did you return to Mr. Middleton after the convention?—A. I returned a few days afterward for a settlement.

Q. Did Mr. Middleton turn you off then; did you move?—A. I was not living at Mr. Middleton's.

Q. Have you ever returned to work on Mr. Middleton's place?—A. Only to have a settlement; am not working for him now.

Q. Did he turn two other men off in the same way; how do you know?—A. They were working in the mill, and told them the same as he told me.

Q. Did they come to town and neglect his work?—A. They came to town, but don't know if they neglected his work.

Q. How long did that convention last?—A. Two days.

Q. What season of the year?—A. In month of October; the harvest month.

Q. Is that the most business time of the year?—A. Between September and the latter part of December is the busy part of the year for harvest.

Q. Do you know of the others being turned off for their political opinions?—A. Don't know; only they went to the convention.

Q. Whose names were on that bogus ticket shown you yesterday?

(Exhibit C shown witness and identified as the bogus ticket.)

Q. Whose name is on that ticket for Congress?—A. J. S. Richardson.

Q. Why do you call that a bogus ticket?—A. Why, because I believe it was intended to defraud one out of his rights.

Q. What do you understand is bogus?—A. Anything not regular and a counterfeit.

Q. What is irregular in that ticket you call the bogus ticket?—A. It is not a republican ticket, but a democratic ticket, and that is the reason why I call it a bogus ticket.

Q. Did you tell any one around the polls not to vote that ticket?—A. I told them to use their own judgment about it; it was not the ticket we were supporting.

Q. Did you see any tickets with W. H. Jones's name on it?—A. I saw three called the Jones ticket; one headed with B. H. Williams for senator.

Q. Did you tell the people around there that Jones had gone up, and should not vote that ticket at the polls?—A. No; I did not tell them or stop them from voting any ticket.

Q. Were you on Jones's ticket?—A. No; on Bruce Williams's ticket, which I electioneered for, and done all I could for that ticket.

Q. What was the regular republican ticket? Who are the candidates on that ticket?—A. For Congress, J. H. Rainey; for representatives, James A. Bowley and Charles Green.

Q. Was Charles Green and James A. Bowley the regular nominees of the convention?—A. No; Charles Green and Pompey Kinloch were.

Q. If Bowley, who was not nominated by the convention, had his name put upon the regular ticket in place of Kinloch, do you call that proceeding bogus?—A. I do not.

Q. Did you take any ticket from any one?—A. No.

Q. Did you put any tickets in anybody's hand, at the polls or away from the polls, that day?—A. I did not distribute any myself, but had parties along the road distributing the republican ticket.

Q. Did you give any one any democratic tickets?—A. No.

Q. Did you see any disturbance there when Mr. Rhodes came up?—

A. I saw Mr. Rhodes come up at 12 o'clock, and saw no disturbance at all.

Q. Did you see a crowd of people around Mr. Rhodes at any time?—

A. No.

Q. Were you in command of a militia company at Santee?—A. I was, four years ago, for about three weeks.

Q. Had they arms?—A. They had.

Q. Where are those arms?—A. A portion of the guns are now at my house.

Q. What kind of guns were they?—A. Breech-loading guns.

Q. Were any of them at Santee polls?—A. No; most all of them are out of order.

Q. You say you commanded this company four years ago. Was it during the campaign at that time?—A. It was during the Frank Moses campaign. We paraded once in Georgetown on the 4th day of July; never paraded any more. I do not regard myself as captain of the company, nor have I since Moses' time.

Q. Why, then, have you the custody of the State arms?—A. They were placed in my hands by the colonel, and I thought I had a right to keep them until he called for them.

Q. How many have you in your possession now?—A. I expect, somewhere in the neighborhood of twenty or twenty-odd. I have made no effort to give them up. No demand had been made on me to give them up.

Q. The people on Santee held a meeting, you say, and authorized to put Bowley's name on the ticket in place of Kinloch?—A. Yes; the meeting was held at my house. I called the meeting.

Q. Does the militia company constitute the meeting?—A. No; it was abandoned some time ago—abandoned four years ago. We always have one or two hundred people at meetings during the campaign.

Q. Was any of the men that constituted that company present at those meetings?—A. I don't know; I had no roll-book there to see.

Q. Do you consider the former members of your company constitute your rallying campaign club?—A. We have no club on Santee. We have no secret sessions on Santee. When we meet it is 12 o'clock in the day, and all the people meet, and that constitutes the club.

Q. How did you get this one or two hundred people to your house that day?—A. Well, I tell one man, and some time I go to the church and tell them. We had no meetings at night during this campaign.

Q. If there was any emergency, I suppose you could, as a leader, assemble the people together very quick?—A. Sometimes I could—it would take, generally, a day or two—but *could* get them together in four or five hours.

Q. What part did you take in the election?—A. An active part as a republican for the republican party.

Q. Do you think the meeting called at your house to change the name of Kinloch for Bowley a legitimate transaction?—A. It was a lawful transaction, of course, that Kinloch was not the choice of the people on Santee.

Q. Do you know Eaddy, one of the managers?—A. Yes. Never seen him leave the ballot-box to quell any row; never seen him from where they cast the ballots; Paul Allston was there appointed a constable by the sheriff, who was there also. Eaddy might have left the ballot-box; I never seen him; never seen Paul Allston pull out any paper to arrest anybody.

Q. Did you and Paul Allston meet any men in the road; take from them a democratic ticket and tear it up?—A. No.

Closed for contestant.

Redirect examination:

Q. Was there not a danger that an ignorant republican voter, who could not read or write, might mistake a bogus democratic red ticket for a republican ticket, and so vote it at Santee poll?

(Objected to by J. J. Hucks, esq., on the part of the contestant, because it seeks to elicit incompetent testimony, inasmuch it is merely the expression of the opinion of the witness.)

A. Certainly, there is great danger; not every man on Santee can read and write, and if I could not read I would have voted it myself for a republican ticket.

Q. Did not that cause the excitement that day?—A. Yes, that was all the excitement there that day.

JOSEPH BUSH.

Sworn to and subscribed before me this 4th day of April, A. D. 1877.

WM. H. DORRILL,
Notary Public.

UNITED STATES OF AMERICA,

State of South Carolina, Georgetown County:

JOHN S. RICHARDSON, CONTESTANT,	} Contested election, first congressional district, South Carolina.
<i>vs.</i>	
JOSEPH H. RAINEY, CONTESTEE.	

THE STATE OF SOUTH CAROLINA,

Georgetown County:

J. F. MILLER, (colored,) having been called as a witness for the contestee, after being duly sworn, testified as follows, to wit:

Question. Do you live in this county?—Answer. I do.

Q. In what polling-precinct do you live?—A. Choppee.

Q. How long have you been living in the county and in that precinct?—A. Over eighteen months.

Q. Were you there during the last canvass?—A. I was.

Q. Did you take an active part in the last election?—A. I did.

Q. Was the part you took such as to enable you to know the sentiments prevailing there politically of the people?—A. It was.

Q. Did your operations extend to other polling-precincts?—A. Yes, Coppee, Black River, and Carver's Bay.

Q. What was the prevailing sentiments of the people in those precincts, so far as you know, as to the presence of United States troops in the State?—A. The prevailing sentiment was that the troops were sent to enable men to vote as they desired, and not to compel them to vote as each man against their will.

Q. Do you know of any organized plan in either of these neighborhoods of intimidation, in any way whatever, to compel men from voting as they wished?—A. I know of none on the part of the republican party. I saw a demonstration on the part a democrat. One Billy Gadsden, in the employ of Mr. R. Dozier, at a joint discussion in Saint Luke church, while the republicans were speaking, shook his fist in his face, demanding of the chairman of the meeting that the speaker should desist. This took place in Choppee precinct before the election, the first joint discussion

that was held in the county it was a public speech, and public speaking. The reason Billy Gadsden gave for preventing the speech from going on was that the speaker was speaking against the white man and against the democratic party; that he was a democrat, and would not allow any man to get up before him and speak against his party.

Q. What influence had all this upon the meeting?—A. It had the effect of breaking down that which every man had a right to—break down sentiment.

Q. In consequence of this disturbance, what took place?—A. The meeting was stopped for a half hour amid great confusion.

Q. Where were you on the day of election?—A. At Choppee poll.

Q. How did things pass there?—A. Everything quiet; no violence; the voting was interrupted by the introduction of a ticket that resembled a republican ticket, but had on the names of the democratic candidates.

Q. Why did this produce the excitement?—A. The fear that those who could not read might mistake it for a republican ticket and vote it as such.

Q. Did you not feel some anxiety yourself that an ignorant man might vote contrary to his desire?—A. Yes; an ignorant man could and would vote it for a republican ticket when he thought he was voting that ticket, and would vote the democratic ticket against his will.

Q. Did you and others take any steps to find out about these tickets?—A. I being a ticket-distributor on the part of the republican party, and Langley as distributor also, we said that was detrimental to the interest of the republican party, that all who had tickets and desired to vote for the republican party should submit them to some one who could read for inspection; and in that way prevented the circulation of the tickets.

(Exhibit C introduced to witness, and said it resembled the ticket alluded to as creating the excitement.)

Q. Was Jones's ticket introduced at the polls?—A. Yes; it was an outside ticket.

Q. Who was the candidate for Congress on this ticket?—A. I think Mr. Rainey's name was on it.

Q. Was that a popular ticket up there?—A. I believe one went in the box.

Q. Was there any disturbance upon the introduction of Jones's ticket?—A. There was some, and it was detrimental to Mr. Rainey, his name being on the ticket.

Q. Was there any opposition to any one who desired to vote for Mr. Richardson?—A. There was none.

Q. Was there any act of violence to prevent the democrats from voting the democratic ticket on that day?—A. There was none.

Cross-examination:

Q. Where did you come from when you came to this county?—A. From North Carolina—previously from Virginia; my profession is school teacher; taught school in Hinton, West Virginia. When I first came to South Carolina I came to Choppee, and have taught school there. I know the sentiment of the people in three precincts; two of them are republican and one democratic. The disturbance alluded to occurred in Choppee precinct; this precinct is republican. What Billy Gadsden done prevented men from asserting their political opinions; Billy Gadsden is a colored man. The chairman did not stop the speaker upon the demand of Gadsden. The chairman was Joseph Weston. Nothing further occurred that day that looked like intimidation. The democratic red ticket and Jones ticket both created a commotion on

the grounds. One man brought me a red ticket, and I told him it was a democratic ticket, and I made it generally known. I told all the distributors of republican tickets about it as soon as I got to them. There was no opposition to Mr. Richardson, legal or illegal.

Q. Was Mr. Richardson a candidate for Congress on that red ticket you alluded to?—A. Yes; the red ticket with Mr. Richardson's name on it was detrimental to the republican party. The Jones ticket was detrimental to the interest of the county; I don't know if Mr. Rainey lost a single vote by the appearance of the Jones ticket; can't say anything about it.

Q. You say you felt some anxiety about the appearance of that red ticket, that some one should vote it for a republican ticket. How did you arrive at your knowledge of the sentiment of the people in the three precincts which you speak of?—A. Yes, (to the first part;) the parties who live in the three precincts, by having visited them.

Q. Did you stump the county therein behalf of the republican party?—A. I made speeches there.

Q. Did you feel personally unsafe by the demonstrations made by Billy Gadsden?—A. Yes, from the fact, after the transaction, he went to Mr. R. Dozier's buggy and got out something, and put into his inside vest pocket, and patted on his breast to some of his friends.

Q. Can't you tell whether it was a piece of bread, a bottle of whisky, or something of that sort?—A. It was something in the form of a weapon—neither bread, whisky, or anything of that sort.

Q. According to the form presented to you, did it have the appearance of a pruning-hook or a revolver?—A. The impression made upon my mind led me to say it was a revolver.

Q. So what you saw from this—on the part of Billy Gadsden—you became alarmed?—A. Personally——

Q. How long was that before the election came off?—A. I don't like to make an estimate. I think it might be—it was before the election; it was before November, because the election came off on 7th November. It may have been two or three weeks before the election, or it may have been longer.

Q. Where does Billy Gadsden live?—A. He was in the employment of Mr. Dozier, and wherever Mr. Dozier is Billy Gadsden is.

Q. Did you ever see Billy Gadsden up that way since the disturbance at Saint Luke's Church?—A. No.

Redirect:

Q. Did you say in your cross-questions that Mr. Hanby was there with Mr. Dozier—came in the buggy together?—A. Yes; they came together.

Q. Did Mr. Hanby or Mr. Dozier give Billy Gadsden this so-called weapon?—A. No; Billy got it out of the buggy that Mr. Hanby and Mr. Dozier came in.

Q. What was Mr. Dozier and Mr. Hanby, a democrat or republican?—A. Mr. Dozier was a democrat; he was on the democratic ticket for senator. Mr. Hanby, I believe, was also a democrat, as he edited a democratic paper, the Georgetown Times.

Q. Did they, or either of them, make a speech that day?—A. Mr. Dozier did.

Q. Was Mr. Dozier heard upon that occasion?—A. He was.

Q. Did Mr. Hanby address the crowd?—A. No.

J. F. MILLER.

Sworn to before me this 5th day of April, A. D. 1877.

WM. H. DORRILL, N. P.

UNITED STATES OF AMERICA,
State of South Carolina, Georgetown County:

JOHN S. RICHARDSON, CONTESTANT,	} Contested election, first congressional district South Carolina.
<i>vs.</i>	
JOSEPH H. RAINEY, CONTESTEE.	

THE STATE OF SOUTH CAROLINA,
Georgetown County:

WILLIAM VEREEN, (colored,) having been called as a witness for the contestee, after being duly sworn, testified as follows, to wit:

Question. Do you reside in Georgetown County?—Answer. Yes.

Q. How long have you been living in this county?—A. Born and raised here.

Q. Did you take any part in the last general election—take any interest?—A. Yes.

Q. Where were you on the day of the last election?—A. At the box at Black River poll.

Q. Do you live in that polling-precinct?—A. Yes.

Q. What capacity did you act that day?—A. I was a manager at that poll.

Q. Who were the other managers?—A. Mr. Richardson, I think his name Ben, and Mr. Kellahan was the next.

Q. Who was your clerk?—A. Mr. Baxter.

Q. Is this Black River poll and Brown's Ferry poll the same place, and called by either name?—A. Yes.

Q. Did you regularly qualify to act as manager?—A. Yes.

Q. Before whom did you qualify?—A. Before Mr. Jones—Mr. Harvey Jones.

Q. What office did Mr. Jones hold?—A. He was a trial-justice, and qualified before him.

Q. How did he qualify you?—A. He swore me and made me hold up my right hand.

Q. What did you do with the oath?—A. I took it to Mr. C. Anderson at his office, but could not find him, and left it with Mr. Jones, as I had a long way to go and could not wait, and asked Mr. Jones to give it to Mr. Anderson.

Q. When was that done?—A. Before the election; just before; don't recollect how many days.

Q. What hour of the morning did you get to the Black River polls?—A. I started from home two or three hours before daylight. When I got to the polls I met Mr. Kellahan and young Mr. Dorrill, and asked them what time it was; they told me it was 15 minutes to 4 o'clock.

Q. Was Mr. Richardson there?—A. He arrived about two minutes after me.

Q. When did the poll open?—A. At 6 o'clock a. m., and kept open until 6 o'clock p. m.

Q. Was your clerk regularly sworn?—A. He was, and sworn by Mr. Kellahan, the chairman of the board.

Q. How were you appointed manager?—A. I came to Georgetown; went to the post-office and got a card; got it out the post-office a week before the last election; am certain of it.

Q. Who told you before you got the card out of the post-office that you were appointed a manager?—A. My father sent me to the post-office and got the card.

Q. Did you ever see Mr. Howard at all before or after you received this card as manager of election?—A. After I received the card I came to see Mr. Howard, which was before the election.

(The card, Exhibit F, was introduced as evidence and referred to as above.)

Q. In your conversation with Mr. Howard did he allude to your being appointed manager of election by the card you received?—A. Yes.

(Objected to by Mr. Hucks, for contestant, on the ground the exhibit is the highest evidence of his appointment, and no conversation with Mr. Howard afterward is competent as to that point.)

Q. Your conversation was with Mr. Howard, as chairman of the commissioners of election, was it not?—A. Yes.

Q. When the polls closed what did you do with the box; what became of the box?—A. I took charge of the box.

Q. Who put you in charge of the box?—A. The chairman of the board and the other manager.

Q. Was the box sealed up?—A. Yes.

Q. Explain how it was sealed.—A. After all the votes was counted and put back in the box we took sealing-wax, put it over the key-hole, and sealed it down. After that we sealed down the hole they put tickets in. They signed our names over the places—key-hole and top-hole. The names of Mr. Kellahan, Richardson, and myself were written on the paper over the holes. I cannot write myself, but got Mr. Richardson, the manager, to write it, which he did in my presence and in the presence of Mr. Kellahan.

Q. Was the box locked before you put the paper over the key-hole?—A. Yes; Mr. Richardson locked the box before it was sealed, in presence of all the managers.

Q. Was all that done before you took charge of the box?—A. Yes.

Q. How were you appointed to take charge of the box?—A. After the vote of the managers to decide who should take off the box, it fell to me, and the clerk of the board was ordered to give me a paper to that effect, and I produced the box in Georgetown.

Q. Did you receive this written paper from the clerk?—A. Yes; I gave it to Mr. Howard, as auditor; qualified as giving it to Mr. Howard as chairman of commissioners of election—John A. Howard.

Q. What time was it you took charge to deliver the box to Mr. Howard?—A. Between 11 and 12 o'clock that night of the day of election.

Q. Who was with you when you started from the polls with the box?—A. Pompey Porcher and Billy Washington.

Q. Are you certain that box went into the hands of Mr. Howard in the same condition you received it from the managers of election?—A. Yes, sir; I had it put in a bag, and never loosed it out until I gave it to Mr. Howard, which was in the same condition as I received it.

Q. Did you stop anywhere in town, or anywhere else, from the time you received the box until you delivered it to Mr. Howard? If so, where?—A. I stopped at Harvey Jones's house in Georgetown; I was very hungry; and, being in the habit of stopping there, I went in to get something to eat; I remained there some fifteen or sixteen minutes after I asked his wife for something to eat; she told me Mr. Jones was very sick; she gave me a piece of loaf bread; as Mr. Jones's room door was open, I went to the door and asked him how he felt; at that time the box was about five or six feet from me, but kept my eye on it all the time; I asked him how he felt; he did not speak to me at all, only

shake his hand at me; as soon as finished eating the bread, Mr. Wilson came in and asked Jones how he was; I then had the box on my shoulder ready to start out, when Mr. Wilson said to me, "I have come for that box;" I told him I am just going out with it; I came out by myself; Mr. Wilson was behind me, and I delivered the box.

Q. Did you see Mr. Jones the day you went to his house with the ballot-box?—A. Yes, I went into his room, but the box was not in his room at all. The whole time I was in the house the box was tied up in the bag.

Q. Was that box ever out of your sight from the time you entered the house until you came out?—A. No, never.

Q. What Harvey Jones do you mean?—A. I mean J. Harvey Jones.

Q. Was everything quiet at the polls?—A. Everything passed off quiet.

Q. Do you know whether any one was prevented from voting there as they desired to vote?—A. Mr. Fulton came up ahead of some men that he brought up in his boat when he came to the polls. Fulton said one of the monkeys had not qualified and the men should not vote.

Q. Who did he allude to as monkey?—A. One of the managers he called monkey—did not call any name.

Q. Did that prevent the voters from voting?—A. Yes, the voters turned back with him, Mr. Fulton. Don't know who these men that came with him was going to vote for.

Q. Have you ever attended the Black River poll at any election before?—A. O, yes; I have voted there before.

Q. Did you ever see any of those men brought there by Mr. Carraway or Mr. Fulton at any former election?—A. Yes, I saw one there before; one that was with Mr. Fulton.

Q. Was the man you speak of that came with Mr. Fulton a republican?—A. Yes.

Q. How did he vote at former elections?—A. A republican ticket.

Q. Did Mr. Richardson or Mr. Rainey lose any votes by those men not being allowed to vote there?—A. Mr. Rainey lost votes. After Mr. Fulton said the monkeys were not qualified he called the men and they went off with him. I knew those men that went off to be republicans.

Q. How many men do you know that went off would have voted for Mr. Rainey?—A. Some 30 or 40 went off with Mr. Fulton. I knew them to be republicans.

Q. Were there any guns upon the ground that day?—A. Yes; I saw three guns.

Q. Who brought these guns there?—A. Three white men; I think they were democrats. Saw no colored men with guns; not a colored man had a gun. I saw no other weapons. The white men that had guns—two of whom laid their guns by a tree and came up to the polls to vote—asked for a democratic ticket, and said they were democrats, and intended voting that ticket; all three said they were democrats.

Q. What did Mr. Carraway do?—A. When he came to the polls he spoke to Mr. McDonald, saying that one of the managers was not qualified, and he was going to Sampit poll to vote. In consequence of this remark some fifteen republicans went away.

Cross-examined by Mr. J. J. Hucks:

Q. How far do you live from Black River poll?—A. Three miles, nearest way.

Q. What time did you leave home to go to the polls?—A. I left early,

and when I got to the polls I met Mr. Kellahan and young Mr. Dorrill, and asked them what o'clock, and they answered, "Fifteen minutes to 4 o'clock."

Q. Were all the managers qualified?—A. Yes; I know Richardson and I were qualified, and Mr. Kellahan told me he was. Mr. Richardson and I qualified together in Georgetown; both of us qualified before Mr. Jones: I could not sign my name, but got Mr. Richardson to sign it for me in my presence. I saw Mr. Richardson write his name and saw him write my name, all the same time, all done at the court-house, and seen them after they were signed.

Q. Do you know what kind of ink Mr. Richardson used in writing his name?—A. Blue or black; don't know exactly what sort—one or the other.

Q. Did he use the same kind of ink in writing your name?—A. Both signatures were written with the same kind of ink—all used out of the same bottle. I cannot write; I touched the pen and saw the mark made.

Q. Would you know those papers, if you were to see them, that Mr. Richardson wrote his name on?—A. I don't know the name—can't write.

Mr. Hucks exhibits to witness a paper, which the witness says looks like the one he saw.

Certified copies of the oaths, marked "G," and "H," was substituted in the place of the original, first put in evidence.

The oaths were submitted in evidence, marked "William Verun's oath, Exhibit G;" "Benjamin J. Richardson's oath, Exhibit H."

Q. Did Mr. Kellahan serve as manager of election?—A. Yes.

Q. Did you and Mr. Richardson serve as managers of election?—A. Yes.

Q. Did all three of you serve *all day*, from 6 a. m. to 6 p. m., as managers of election?—A. Yes.

Q. What time did you and the managers commence to count the votes?—A. Commenced counting as soon as the polls were closed at 6 o'clock p. m.; got through counting between 9 and 10 and 11 o'clock, or along there.

Q. How did you cast lots to know who should bring the box to Georgetown?—A. The managers were all sitting around the table, and it was decided by holding up right hands. Mr. Kellahan and Mr. Richardson, holding up their right hand, said the lot fell to me, and I must carry the box to Georgetown.

Q. Where did you go immediately after taking possession of the box?—A. Went home with Pompey Porcher and got my overcoat, and walked to Georgetown with the box. Did not stay longer at home than 16 minutes before I started out; when I got my overcoat I held the box between my legs until I put on my coat; had the box with me all the time. I put the box in the bag at the polls as soon as I got possession of it. My house is 10 miles from Georgetown. I arrived in Georgetown next day, between 8 and 9 o'clock. I walked very slow all night, in company with Pompey Porcher, until I reached Georgetown next morning. Pompey came with me to Georgetown.

Q. Was Pompey Porcher a republican or democrat?—A. A republican, a kind of leader; he calls meetings; he was precinct chairman.

Q. Did you stop on the road, after you left your house, before reaching Georgetown?—A. No; never stopped at all; kept on all night walking. The first place I stopped was in Georgetown, at Mr. Jones's house,

where I stayed some fifteen or sixteen minutes. I went in Mr. Jones's room and seen him, as he was sick.

Q. How long had you got into the house of Mr. Jones before Mr. Wilson came in?—A. Had just got into the house. Asked Mrs. Jones for a piece of bread. She told me Mr. Jones was sick. I went to Jones's room and seen him, and when I came out Mrs. Jones gave me the bread, when Mr. Wilson came in and told me he had come for the box. Did not know at that time Mr. Wilson was commissioner of election, but on my arrival at the court-house found out that he was. Mr. Jones and I are good friends; I voted for him as one of the county commissioners at the last election. It was a notorious fact that it was said around the polls, at the day of election that Mr. Richardson had not qualified as manager of election, and that was the reason many voters went away without voting.

Q. How do you know that any of the men that went away from the polls would have voted the republican ticket—that went away with Mr. Fulton or Mr. Carraway?—A. By a few words from Billy Hayne, from Mr. Fulton's crowd; none of the others in this crowd expressed themselves how they would vote—only Billy Hayne.

Q. What polls did this crowd go to to vote?—A. No; don't know.

Q. What kind of boat was Mr. Fulton's?—A. They call it a steamboat, with a wheel behind. All the men went with Mr. Fulton, went on the boat—a very small boat; some 30 or 40 went on this boat.

Q. How many men can the boat carry?—A. Can't say; some of the men went on the boat and some on a flat tied to the boat. The republicans were the strongest at the polls that day. Mr. Smith had a talk with a colored man who picked up a republican ticket, and handed him a democratic ticket, which the colored man voted; this happened at the polls. I only judge that Mr. Rainey lost a number of votes for the reason that at the election previous these men voted the republican ticket. I voted for the same party at previous election that I did this time. The guns I saw at the polls were a single-barrel and two double-barrel guns; never seen any guns at any polls previously. The men with the guns, after voting, remained about half an hour, took their guns and went off.

Q. Do you know Cyrus Sanders?—A. Yes; don't know how he voted at last election; he voted the democratic ticket at this election, at this poll. Cyrus Sanders is a colored man.

Q. Did you know of any United States marshal at the polls?—A. Don't know. The chairman of the board of managers swore each man that voted; would not allow any illegal votes to go in the box. After the voter said he was 21 years, could not prevent them from voting. We rejected two men; their fathers came up and said they were of age and we let them vote.

Closed here.

his
WILLIAM + VEREEN.
mark.

Sworn to and subscribed before me this 5th day of April, 1877.

WM H. DORRILL, N. P.

UNITED STATES OF AMERICA,
State of South Carolina, Georgetown County:

JOHN S. RICHARDSON, CONTESTANT, } Contested election, first con-
 vs. } gressional district South Car-
 JOSEPH H. RAINEY, CONTESTEE. } olina.

THE STATE OF SOUTH CAROLINA,
Georgetown County:

WILLIAM L. WEBB, (white,) having been called as a witness for the contestee, after being duly sworn, testified as follows, to wit:

Question. In what precinct in this county did you reside during the last election?—Answer. Brook Green, Upper Waccamaw.

Q. How long have you been living there?—A. Four years.

Q. How long have you been a resident of this county?—A. I think about 10 years.

Q. Are you a civil officer of any kind in this county?—A. I have held the office of trial-justice.

Q. Did you hold that office during the months September, October, and November last?—A. I did.

Q. What poll did you attend on the last general election?—A. Brook Green poll.

Q. Who were the managers of election at that poll?—A. Israel Carr, Hector Chisolm, and Dr. H. M. Tucker.

Q. Were they qualified as managers?—A. Two of them, by their papers, was qualified before Mr. J. Harvey Jones, and Dr. H. M. Tucker qualified before me.

Q. Who was Harvey Jones?—A. He was a trial-justice. I was here when they qualified, and saw their papers.

Q. What did they do with their papers?—A. I am sure they deposited them with the clerk of the court; I am certain Israel Carr did.

Q. Who was the chairman of the board?—A. Hector W. Chisolm.

Q. Who was the clerk?—A. Myself, W. L. Webb.

Q. How did you qualify as clerk?—A. Took my oath before the chairman of the board of managers, according to law.

Q. Was the poll regularly opened and closed on that day?—A. Yes; it was opened at 6 a. m. and closed at 6 p. m.

Q. Were there any irregularities, threats, or act of intimidation to prevent voters from voting as they pleased?—A. I saw none. I have been acting manager, and have been at many elections before, and never seen a more quiet election than the last one.

Q. In closing the polls how did you proceed to secure and dispose of the box?—A. After the votes were counted they were put in the box with the poll-list, and all other papers necessary, and the box was locked, sealed over the key-hole and hole for depositing the votes, with managers' names written over them.

Q. What became of the box then?—A. It was turned over to the chairman of the board of managers and brought to Georgetown by the whole board of managers, turned over to John A. Howard and Col. Ben Allston at 9 o'clock next morning in my presence.

Q. Who was Howard that you spoke of?—A. He was chairman of the board of commissioners of election, and Col. Ben Allston was one of the commissioners, and the box was delivered to them.

Q. Do you know of any organized plan of intimidation or terrorism during the canvass to prevent men from voting as they pleased by either

party?—A. I don't think there was, or it would have come under my certain knowledge.

Q. Do you know what effect the Jones ticket had when introduced at the polls or anywhere else during the canvass? Was it prejudicial to Mr. Richardson or Mr. Rainey?—A. That ticket was not voted at my poll, but there was some at my poll.

Q. Was there any opposition to them?—A. Yes; a great deal of mild opposition. Mr. Richardson's name was on the ticket where Mr. Rainey's name was scratched out. Mr. Richardson did not get any votes at that poll on that ticket, but got some on the democratic ticket.

Q. What do you mean to infer by saying that the Jones ticket was detrimental to Mr. Rainey and to the interest of Mr. Richardson?—A. That they made the voters think they were voting for Mr. Rainey, when they were voting for Mr. Richardson, and a great many wanting to vote for Mr. Jones and Mr. Rainey also, when Mr. Richardson's name would be on the ticket.

Q. Did you feel the republicans needed the protection of the United States troops, fearing injury might be done them by the democrats through threats made by them?—A. Yes, I do; if the threats were carried out.

Q. Do you know whether or not the United States troops were sent to South Carolina solely to be in favor of the republicans and not the democrats?—A. I believe they were sent here for the people to vote as they chose.

Q. Did you canvass the county to any extent during the campaign?—A. I did; on Waccamaw Neck; traveled up and down.

Q. How is Waccamaw divided? Is there more than one voting-precinct there?—A. Yes; there are two voting-precincts.

Q. Having traveled around on Waccamaw, can you tell the feeling of the people on Lower Waccamaw in regard to the republicans and democrats?—A. The colored people were urged and compelled by their white employers to vote the democratic ticket.

Q. How were they urged or compelled?—A. If you don't vote with us, we will give you no work.

Q. Were the employers of these people republicans or democrats?—A. They were democrats.

Q. How do you know they were democrats?—A. Because they said they were; they were opposed to the republican party.

Examination closed.

Cross-examination by Mr. W. H. Jones:

Q. When were you appointed trial-justice?—A. Don't recollect, but my time run out in December.

Q. Under whose administration were you appointed?—A. Daniel H. Chamberlain.

Q. How far did you live from the Brook Green polls on day of election?—A. About one mile.

Q. What time did you get to the polls?—A. About half past 5.

Q. When were you sworn in as clerk?—A. Ten minutes before 6, if I recollect right, by Henry Tucker's time.

Q. Were all the managers present when you were sworn in?—A. They were.

Q. How did the board of managers proceed?—A. They met before the polls was opened and proceeded to elect a chairman, and then notified me that I was appointed clerk. The steamer Vesta brought Dr.

Tucker, one of the managers, up to Brook Green about 4 o'clock in the morning; the other two was there all night.

Q. What time was it you first saw the managers as an organized board?—A. A quarter before 6.

Q. How far does Dr. Tucker live from the polls?—A. About five miles. He took his oath before me as manager of election the day before the election, (Monday,) at a store that used to be called the Academy, on Waccamaw.

Q. During the progress of the day, were any votes challenged at the polls?—A. I believe there was two. They brought proof of their being old enough to vote, which was satisfactory to the managers, and they were allowed to vote.

Q. What proof did the managers require?—A. That their parents or relatives should be brought to testify to the age of the boys. They came, and the votes were taken. The managers swore the parents; they swore that the children were of age.

Q. Who challenged the boys?—A. Mr. Macusker challenged one, but cannot say positively who challenged the other.

Q. At the counting of the votes, how did the poll-list and ballots agree?—A. They compared exactly. The counting was finished about 10 o'clock, and was in Georgetown about daylight, having arrived on steamer Vesta. We put in the ballot-box the votes, poll-list, presidential list, and all that was necessary.

Q. Could all the managers write?—A. I am certain they can all write.

Q. What time was the box delivered to the commissioners?—A. The next morning, by all the managers.

Q. How do you know that the managers were all the while with the box, when you left there and was absent some time?—A. I am sure they were all there the whole time. I left them there when I went off, and when I returned found them still there, and I was only absent about twenty minutes.

Q. Could they have left during the time you were absent?—A. Yes; they could have left; but don't think they did leave.

Q. Do you, of your own knowledge, know whether there were organized clubs in this county for the purpose of carrying out the plans of either party?—A. I know of no organized clubs up my way, or came under my observation.

Q. Did you see any of the Jones tickets at your poll?—A. Yes.

Q. Who carried them there?—A. I don't know; they were brought up there by some one passing that way.

Q. Was Mr. Rainey's name scratched out at Brook Green?—A. It was scratched out when I saw the ticket.

Q. How did you happen to see that very particular ticket?—A. When I went out of the house a colored man brought me the ticket, as he did not like the ink on it. I have the ticket home now.

Q. Can you state, on your own knowledge, whether there were any troops sent to this congressional district?—A. No.

Q. What were the threats of the democrats to occasion the presence of the troops here?—A. Because they said they would give them no work. I have heard these threats myself.

Q. From whom did you hear the threat made?

The witness here declines to answer this question—because "I can't recollect."

Q. Did you hear those threats in this county?—A. Yes.

Q. How many people, to your knowledge, were compelled to vote the democratic ticket against their desire?—A. About 25 or 30.

Q. How do you know this?—A. By their own talk.

Q. Can you name some of them?—A. Pompey Mayrant, Israel Giving, Pompey Nash. There are all I can recollect at present.

Q. Do you mean to say that 25 or 30 men told you they were compelled to vote the democratic ticket?—A. There was as many as that told me so. Don't know it of my own knowledge.

Q. Were the polls kept open during the day of election without intermission?—A. They were.

WM. L. WEBB.

Sworn to before me this 6th day of April, A. D. 1877.

WM. H. DORRILL, N. P.

UNITED STATES OF AMERICA,

State of South Carolina, Georgetown County:

JOHN S. RICHARDSON, CONTESTANT, }
 vs. } Contested election, first Congressional district, South Carolina.
 JOSEPH H. RAINEY, CONTESTEE. }

THE STATE OF SOUTH CAROLINA,

Georgetown County:

JAMES A. BOWLEY, (colored,) having been called as a witness for the contestee, after being duly sworn, testified as follows, to wit:

Question. Do you live in this county?—Answer. Yes.

Q. How long have you been living here?—A. Going on eleven years.

Q. Where were you during the canvass of the last general election?—A. Georgetown County.

Q. Did you take an active part in the election?—A. Yes, somewhat so.

Q. Did your operations extend over more than one precinct in this county?—A. Yes.

Q. What precinct did you visit?—A. I visited all the precincts in the county.

Q. Do you know whether the republican party had any organized plan of intimidation to prevent men from voting the democratic ticket?—A. Does not know of any.

Q. Do you know that any voter was prevented by violence or threats from voting for the democratic party?—A. Don't know of any.

Q. Do you know that the churches preach anything like threats to those who voted, or intended to vote, the democratic ticket?—A. I don't know of any.

Q. Did you attend church-service during the campaign?—A. Sometimes I did.

Q. What poll did you attend on day of election?—A. Griers poll, at Upper Pee Dee.

Q. Who were the managers of election there on that day?—A. Joseph Brunson, John Grove, and one Collins—don't know his initials—and I served as clerk.

Q. Were the managers regularly qualified?—A. I don't know; think so.

Q. Were you sworn in as clerk of the board?—A. As well as my memory serves me I was, by the chairman, Brunson.

Q. At what hour did the polls open and close?—A. Opened about half past seven o'clock in the morning, and closed at 6 o'clock p. m. The law-

ful time to open the polls is 6 o'clock a. m. I arrived at the polls at about half past five a. m.; the sun was not up when I got there; there was very few persons there when I arrived.

Q. How many do you suppose were there from the time you arrived on the ground and the time the polls opened?—A. I suppose about 25 persons.

Q. Did any of the persons alluded to above leave the ground before the opening of the polls?—A. No; don't think they did. They all remained and voted.

Q. What occasioned the delay in opening the polls?—A. I am unable to say positively; I know one of the managers came there, and the other managers not being present he went off to hunt them.

Q. How was the polls closed?—A. Polls closed at 6 o'clock; no voting after that time. The managers then proceeded to count the votes and record the result, after which the votes were returned to the box; the box was then fastened by nails; the hole the voters deposited their votes through were pasted over with paper, and the names of the managers written across; and key-hole fastened up also in same way. The lock being broke, the lid of the box was nailed and then pasted over, and paper put over the seam and pasted down the seam between the lid and the box, so that the lid could not be raised without tearing the paper. One side of the lid of the box was attached to the box by hinges. No pasting on this side.

Q. Were all the votes returned to the box after counting?—A. Yes. The poll-list was also put back in the box after counting. One of the managers kept the return of the general result of the voting.

Q. What was done with the box after it was all closed up and sealed?—A. It was taken in charge by two of the managers, Mr. Collins and Mr. Grove, and delivered in Georgetown by them. The board of managers agreed that the box should be carried by them. I have no recollection that Mr. Brunson, the chairman, accompanied the other two managers with the box—nor that he did not accompany them.

Q. Do you recollect who you rode with on leaving the ground?—I rode with Grove and Charley Green in Charley Green's buggy. Mr. Collins rode on horseback in company with us.

Q. Did you ever tell Peter Woodberry, or any one in his presence, that J. H. Jones, J. A. Beverly, S. B. Gipson, William H. Jones, was sent here to see the colored people vote the republican ticket?—A. No; I remember no such thing; have no recollection of saying so to any one.

Q. From the part you took in the canvass, do you know what was the prevailing sentiment among the colored people in regard to the presence of the United States troops being sent to the State?—A. From what I could learn from representative colored men, that they were sent here for a protection to the people, that they might be allowed to vote untrammelled; that the colored people believed, without the United States troops, that the intimidation by the white rifle-clubs and other organizations would prevent them from voting the republican ticket.

Q. Do you know of any man who was prevented by violence on the part of the republicans from voting the democratic ticket?—A. None that I know of. The prevailing sentiment among the colored people are of republican principles.

Q. Were you in town when Mr. J. S. Richardson made a speech?—A. Yes; he succeeded, with interruptions.

Q. Was the crowd assembled large or small?—A. Not very large or small; medium size; they were in the street in front of the court-house.

He was interrupted by persons asking questions, but not by any intimidation or threats.

Q. Was there any row there?—A. There was some few rows among a few men; probably they were intoxicated, and most of whom were Mr. Richardson's friends.

Q. Who was those persons favoring?—A. Mr. Richardson.

Q. But for this interruption on the part of Mr. Richardson's friends, would there have been any rows?—A. No.

Q. Did you see any one knocked down or cut at that meeting; and, if so, by whom?—A. I think I do remember of one or two being knocked down that night.

Q. Do you know, or not, whether that knocking down or cutting was produced on the part of Mr. Richardson's friends?—A. I think it was; and I recognized Mr. Peter Woodberry as being the most violent. I remember another particularly, Ellick Lewis. Ellick Lewis was engaged particularly in the fights; there was one or two others I do not remember.

Q. Did you attempt to speak that night after Mr. Richardson got through speaking?—A. Yes; and did speak; but was interrupted by these same disturbers of the peace, the friends of Mr. Richardson.

Q. Was any threats offered you that night?—A. Yes; Peter Woodberry drew a stick and attempted to strike me, and believe he would have done so but for the interfering of some of my friends.

Q. Do you know of any one that was run off from that meeting, could not stay there, in consequence of that disturbance?—A. I remember Mr. J. Harvey Jones's friends advised him to leave; he did so, for fear that he would be molested.

Q. Was he followed by Mr. Richardson's friends?—A. Don't remember.

Q. Do you know of any organization in the county that bound the colored republicans by oath to vote the republican ticket and no other?—A. No; don't know of any.

Q. Do you know of any military organization in the county?—A. There is a military organization in the county, but inactive; that is, it has not been drilling for three or four years, or been on any parades.

Q. Were any women around the Grier poll on day of election that prevented the democrats from voting the democratic ticket?—A. I saw none there; don't remember of seeing a single one.

Q. Did you hear any threats that any one would be whipped that voided the democratic ticket?—A. None; but, on the contrary, a colored man voted the democratic ticket, and he was not interrupted by any means.

Q. Do you know June Woodward, jr.?—A. Yes.

Q. Do you know that he was prevented from voting the democratic ticket at that poll at last election?—A. No; I don't know how he voted.

Q. Do you know that June Woodward, jr., was whipped for voting the democratic ticket?—A. I do not.

Q. Did you remain at Grier's poll all day?—A. Yes.

Q. Do you know of any one being ostracized on account of his political proclivity?—A. Don't know; I have heard of a great deal of ostracism on the part of the white to those white men who desired to vote the republican ticket.

Cross-examination by Mr. J. J. Hucks:

Q. Would you undertake to say that no one left the Grier polls before the polls were opened?—A. Some might have left and I not know it, and probably some did leave.

Q. Did you see the ballot-box delivered to the commissioners in Georgetown?—A. No.

Q. Did you ever say anything about the United States troops in any speech during your canvass in your county?—A. Do not remember.

Q. Of your own knowledge, was it known among the colored constituents in this county that the United States troops were in this State?—A. Except at Santee poll there was no talking about it. Some of the politicians alluded to it at Santee polls, and hear it among the people generally.

Q. Do you know, sir, that any troops were in this first congressional district?—A. Only from what I got from the papers.

Q. What paper gave you that information?—A. Don't know; I think the News and Courier.

Q. Was Mr. Richardson accompanied by a colored democrat named Hutchings when he spoke at Georgetown?—A. Yes; he was along with him.

Q. Did he, Hutchings, attempt to make a speech at that time?—A. Yes; he did.

Q. Was he prevented from making that speech, and by whom?—A. He did not make any speech; he attempted to do so, but was prevented by the clamorous and noisy crowd.

Q. Was the party who prevented Mr. Hutchings from speaking Mr. Richardson's friends or Mr. Rainey's friends?—A. I don't know, because the noise was a general noise.

Q. Do you not know that Ellick Lewis and Peter Woodberry on former occasions voted the republican ticket?—A. I believe they have. On that night they were in favor of Mr. Richardson. Don't know what the meeting was called, democrat or republican. Knew that Mr. Richardson was to speak that night if he got here time enough from up the river.

Q. Were you invited as a political leader to join in the discussion that night?—A. I believe Mr. Fraser and some other gentlemen asked me to speak that night.

Q. Did not this fight grow out of the attempt on the part of this crowd to prevent Mr. Hutchings from speaking?—A. I don't think so.

Q. By whom was Mr. Richardson interrupted during his speech?—A. I don't know who interrupted him.

Q. Did you and Mr. J. Harvey Jones interfere by interrupting him during his speaking?—A. We asked him some few questions.

Q. Do you say these questions asked by you, Mr. Jones, and others, in behalf of Mr. Rainey, brought about the row?—A. I think these questions were the cause of bringing about the row.

(Qualified afterwards by saying it did not produce the row.)

Q. Were you, Mr. Jones, and others, who asked Mr. Richardson questions that night, the friends of Mr. Rainey?—A. Yes; I can only answer for myself and Mr. J. Harvey Jones.

Q. Was Mr. Richardson sharply interrogated by yourself, Mr. Jones, and others, that night?—A. I asked him very few questions in a polite manner, as I would any other speaker.

Q. Were you a candidate for any office on Mr. Rainey's ticket?—A. I was an independent candidate; those who voted for me must have done so on the regular ticket.

Q. You said you were interrupted on that night while speaking?—A. Yes; I was.

Q. Did that interruption come from democrats or republicans; or do

you know whether white or colored ?—A. I know I was interrupted by Peter Woodberry and Ellick Lewis, both colored democrats.

Q. Have you been interfered with in your speeches during that canvass by anybody else, or annoyed by any one at any of the speeches you have made in any part of the county ?—A. I may have been interrupted, but don't remember now.

Q. Do you not know there was a feeling against you, by your not being a regular nominee of the convention, on the regular republican ticket, in your own party ?—A. I don't know, except those who opposed me on those tickets headed by Mr. Dozier and Mr. Jones as senators, as those were my political enemies at that time.

Q. Do you know that Pompey Kinloch was the regular nominee on the regular republican ticket for representative ?—A. I know he was nominated by the convention.

Q. Do you know whether your name was written or pasted over that of Pompey Kinloch on the regular ticket for representative ?—A. I think it was written and Pompey Kinloch erased.

Q. Did that engender any feeling against you by Pompey Kinloch's friends ?—A. Those who wanted to vote for me did so.

Q. Are you an officer of the militia ?—A. I believe so, and rank as lieutenant-colonel.

Q. Do you know of any State arms in the possession of the militia at this time, or during the last campaign ?—A. There was some, some time ago ; don't know whether there was any at last campaign.

Q. Do you remember of seeing the proclamations of General Grant and Governor Chamberlain disbanding rifle-clubs in the State ?—A. I do.

Q. Do you, or not, know that the rifle-clubs were accordingly formally disbanded ?—A. I do not know.

Q. Do you know there was a rifle-club in Georgetown ?—A. Yes.

Q. Was it not a notorious fact that that rifle-club was disbanded ?—A. I don't know.

Q. Was there, to your knowledge, any other rifle-club in the county except in Georgetown ?—A. I don't know.

Q. Do you know of any white rifle-club, before or since the election, in Georgetown County ?—A. Never heard of any, except the one in the town.

Mr. Hucks closes here.

JAS. A. BOWLEY.

Sworn to before me this 6th day of April. A. D. 1877.

WM. H. DORRILL, N. P.

UNITED STATES OF AMERICA,

State of South Carolina, Georgetown County :

JOHN S. RICHARDSON, CONTESTANT,	} Contested election, first congressional district South Carolina.
<i>vs.</i>	
JOSEPH H. RAINEY, CONTESTEE.	

THE STATE OF SOUTH CAROLINA,

Georgetown County :

W. A. SINCLAIR, (colored,) having been called as a witness for the contestee, after being duly sworn, testified as follows, to wit :

Question. Are you a native of this county ?—Answer. I am.

Q. Born and raised here ?—A. Yes.

Q. Where were you during the election of last canvass?—A. In this county.

Q. Did you attend any of the polls on the day of election?—A. Yes; I attended the Birdfield poll.

Q. Who were the managers of election there?—A. Great, Sparkman, and I have forgotten the other.

Q. Who was the clerk?—A. Francis Johnson acted as clerk.

Q. Was he regularly qualified as clerk?—A. Yes.

Q. How was he qualified?—A. He was sworn in on the morning of the election by the chairman of the board. I was present and saw it.

Q. Were you ever appointed clerk of the board?—A. I was appointed about six days before the election. Two days before the election I took sick; it was not likely I should appear at the polls, and Francis Johnson was appointed in my stead.

Q. Were you present and saw the chairman swear Francis Johnson?—A. I was present.

Q. Was that swearing of Francis Johnson before the polls opened?—A. Yes.

Q. What time did the polls open that day?—A. About 6 o'clock. I had no watch, but judge it was about that hour.

Q. How long did you remain at the polls that day?—A. I remained there all day.

Q. Were you there at the close of the polls?—A. I was.

Q. How did they close the polls?—A. They said it was 6 o'clock, and commenced counting the votes; first counted the ballots and compared them with the poll-list. I was there while they were counting. After they compared the ballots with the poll-list there was about three more ballots than names on poll-list. They put all the ballots back in the box, then mixed them up, and three ballots were drawn from the box and destroyed.

Q. How were those ballots drawn?—A. A handkerchief was placed over the box, I think, and some one drew from the box the ballots.

Q. Who was the some one?—A. I am not certain who it was; I think it was Mr. Sparkman, but I am not positive.

Q. What did the managers do next?—A. After getting the votes and poll-list to compare, they then began to count the straight tickets first, and then the scratched ones; they then placed the ballots back in the box. Don't know what they did with the poll-list. As soon as they put the ballots in the box, I left and came to town. Don't know any further what they did.

Q. During the canvass and before the election, did you attend any public gatherings or meetings?—A. Yes, I attended one at Carver's Bay, at Pee Dee, Waccamaw, and at Santee.

Q. Do you know such a place as Duncan's Run?—A. Yes, on Waccamaw. I attended a meeting there.

Q. What was done there that day?—A. We got there very late in the day, I think about 2 o'clock; we were received very kindly by the persons that was there; it was a meeting of the democrats. We were invited to dinner, and after dinner Mr. Gipson, I think, made a speech, he being invited by the democrats to do so, and apparently they did not like what he said. The place became so warm for us we thought it best for us to leave. We went on board of the boat; the captain had promised to tow us to town; I think it was Mr. Izard's boat.

Q. What transpired after you went on board of the boat?—A. After being on board of the boat I suppose about an hour or three-quarters of an hour, Mr. Izard came and inquired if Mr. Gipson was on board; after

he was told, he asked who invited him on board. I did not hear or see anything of the above statement.

Q. What transpired after you went on board of the boat that you know of your own knowledge?—A. After I was on board of the boat for about an hour or three-quarters, the little boat, yawl-boat, went ashore. A man carried the boat ashore. After we had all got on board of the steamboat, the captain came on board and said he could only carry a certain number. He then inquired if Gipson was on board; he was told in the affirmative. He then proceeded to count the number, and he said there was the exact number on board he could carry. After the boat had started the captain came around inquiring for Gipson. He was told Gipson was in the small boat in tow of the tug. He then (the captain) told one of us to go in the small boat and let Gipson come on board of the tug. We refused to do so. The captain then asked Gipson on board. Gipson declined to come. He came back three or four times and repeated his invitation to Gipson to come on board, Gipson still declining to do so. During the time, the captain entered into conversation with us. I asked him why he wanted Gipson on board; he said, "I just wanted him to come and get a drink." I told him Gipson had joined a temperance lodge and stopped drinking. He then said Gipson must come on board; this was my house and he must come on board. We had a very long talk together. I called Mr. Izard the captain.

Q. Did Gipson come upon the boat at all?—A. No.

Q. Do you know why Gipson did not come on board?—A. Gipson said he did not want to come.

Q. Did he say why he did not want to come?—A. Yes; he said he was afraid the boat would turn over.

Q. Did he say why he was afraid the boat would turn over?—A. He said the tug was going too fast, and Mr. Izard said he would stop the tug and give him a chance to get on board.

Q. Where was Gipson at that time?—In the tow boat, behind the tug, and Mr. Izard was standing in the stern of the tug, when this conversation took place.

Q. Did you see Mr. Izard at any time take hold of the rope the little boat was towed by?—A. I can't say that I did.

Q. How far had the tug-boat proceeded on her way to Georgetown at the time Mr. Izard invited Gipson to come on board?—A. I don't think we were 300 yards from where we started when Mr. Izard first extended his invitation, and continued until we reached the junction of Waccamaw and Black River.

Q. How many miles was this from where you started?—A. I don't think it was under 10 miles.

Q. Was this invitation continued all the while during the passage?—A. No; only occasionally.

Q. Was the little boat that Gipson was in towed all the way to Georgetown?—A. It was not—by the tug.

Q. Where was he detached from the tug?—A. At the junction of Waccamaw and Black River, in the middle of the stream.

Q. How was he detached and who detached him?—A. Gipson asked that his boat be loosed from the tug, and the captain, I think, refused to have it loosed—and attempt, I saw, to unloose the boat, and Mr. Izard told the man not to turn the boat loose—not to unloose the boat.

Q. Who was the man attempted to unloose her, that Mr. Izard told not to do so?—A. It was a hand on board of the boat, and Mr. Izard told him not to do so. Mr. Izard did not know it was Gipson's re-

quest to be turned loose; that is to say, Mr. Izard was not near enough to hear the request.

Q. Did the man tell Mr. Izard it was Mr. Gipson's request to be turned loose?—A. I did not hear him.

Q. Do you know Mr. Izard knew that it was Gipson's desire to be turned loose, and that he was denying his request?—A. I cannot say; don't remember; can't say.

Q. Was there any meeting in town that night upon the arrival of the tug-boat that you came on?—A. There was.

Q. Do you recollect who was the most prominent democrat that was to address the crowd that night?—A. Yes; Mr. Richardson.

Q. Did you attend the meeting?—A. Yes.

Q. Do you know whether Gipson was at the meeting?—A. I never seen him during the night. The meeting was at the court-house.

Q. Did you see Mr. Richardson there?—A. Yes.

Q. Did you see a colored man attempt to make a speech there?—A. I saw two or three.

Q. Did you see particularly one who attempted to speak there, and a stranger?—A. Yes.

Q. Did he speak or was he allowed to speak?—A. He began to speak.

Q. Did he finish his speech?—A. After he got through, some one else took the stand. I don't think he finished his speech.

Q. What obstacle was it that prevented his speaking, if there was any, and by whom it was done?—A. The crowd did not want him to speak. This crowd constituted a very large part of the meeting.

Q. Who was this man that the crowd stopped from speaking?—A. Mr. Hutchings.

Q. After Mr. Hutchins stopped speaking, who began to speak, and what took place?—A. Mr. Richardson began to speak.

Q. Was he allowed to speak?—A. I think he was. Oh, yes, he spoke.

Q. Was there any demonstrations made to prevent Mr. Richardson from speaking?—A. The crowd desired to hear him instead of Mr. Hutchins.

Q. Was there any excitement or disturbance there that night?—A. There was a little excitement among the boys that night; I don't know of any disturbance, only a little quarrel.

Q. What occasioned the quarrel?—A. I declare I don't know; I did not give the matter any attention.

Q. Was there any great disorder, any confusion, any violence?—A. I saw nothing I could call violence.

Q. Was there any noise?—A. Such as generally attends meetings; there might have been something a little louder, as two great parties was represented there.

Q. Was there any great conflict between these two great parties, that prevented Mr. Richardson from speaking?—A. I have just said Mr. Richardson spoke. I think when he left the stand everything was quiet; don't know of any opposition to prevent him from speaking. I think there was some boy fights that took place.

Q. Did that fighting disturb the meeting?—A. The fighting did not attract my attention; it did not disturb the proceedings of the meeting; it was harmonious.

Q. Did you hear any questions propounded to Mr. Richardson while he was speaking?—A. I did.

Q. Who propounded the questions?—A. George Pawley asked a question or two; Harvey Jones, I think; Edward Rainey; these are all I recollect of. Francis Johnson was another.

Q. What was the character of these questions?—A. They were respectful. They wanted to know what he would do after he went to Congress? Do you favor equal rights? How he stood among the school system? That is all I can recollect.

Q. Were those parties, interrogating Mr. Richardson, republicans or democrats?—A. They were republicans.

Q. Was that all the opposition offered to Mr. Richardson that night by these parties named as having put these questions?—A. None that I know of. Great many other questions were asked by other persons.

Q. Were those questions asked by other persons of the same character?—A. They were all respectfully put.

Q. Do you know of any plans by the republicans that night to prevent Mr. Richardson from speaking?—A. No.

Cross-examined by Mr. R. Dozier :

Q. When were you born?—A. In 1856.

Q. What time?—A. In March, 1856.

Q. Do you take that date from a family record?—A. Yes.

Q. When was the record made?—A. Shortly after my birth.

Q. By whom was the record made?—A. By Mrs. Prior.

Q. When did you first see that record?—A. I have never seen the record, only a piece of paper Mrs. Prior gave me.

Q. When did she give you this?—A. Six or seven years ago.

Q. When did you last see that slip of paper?—A. Not lately; when I speak of my age, I speak from the record made in my own Bible, which was transcribed from the piece of paper Mrs. Prior gave me.

Q. Do you remember of the month and year you were born, except that was written down in your Bible?—A. No.

Q. How long ago has this record been in your Bible?—A. Seven years ago.

Q. Who made the record in the Bible?—A. I did.

Q. Did you vote at last election?—A. No.

Q. What time did you get at Birdfield poll?—A. About daylight.

Q. Did you go from Georgetown?—A. No.

Q. When you got to the polls, did you see Mr. William H. Jones there?—A. Yes.

Q. Was there a large number of people there when you arrived?—A. There was.

Q. How did you go to the polls?—A. I rode there in a sulky.

Q. Did Mr. W. H. Jones borrow your sulky that day?—A. Yes. Kept it about 20 minutes.

Q. When did you lend it to him?—A. In the morning; might have been 8 o'clock.

Q. How long had you been on the ground before Jones borrowed your sulky?—A. I was there some time on the road distributing tickets.

Q. Did you take your horse out when you first got there?—A. I am sure Jones did not come to borrow my horse just as I rode up. I had fed my horse before he borrowed it.

Q. Who administered the oath to voters?—A. I don't recollect his name. If I was to see the man, would know him. He was the same man that swore the clerk.

Q. Was this man who swore the voters sitting in the middle of the managers?—A. Yes.

Q. Was there an altar-railing around the pulpit?—A. Yes.

Q. Was the managers sitting within this altar-railing or outside of it?—A. Within.

Q. Was the table that the ballot-box was on within or without this railing?—A. Within.

Q. How many clerks seemed to be there that day?—A. There appeared to be two. I correct my answer; there was one.

Q. How many men were there who seemed to be taking the record of the voters?—A. One besides the clerk. He was not sworn by the board.

Q. Was this man there when the voting first commenced?—A. I did not see him.

Q. How long after the voting commenced before you observed this man there?—A. I think it was about an hour. When I first saw him he was getting names from Francis Johnson, the clerk.

Q. Was the voting stopped while this man was taking the names from Johnson's list?—A. No.

Q. Where was this man sitting?—A. He was near the clerk; he was sitting on the left-hand side of the managers. The clerk was sitting at the same table with the managers.

Q. Was this man nearer to the managers than the clerk?—A. No.

Q. Who was nearest to the railing, Johnson or this white man taking down the names as the voters entered?—A. The white man was nearest.

Q. What was he writing on?—A. Writing on legal-cap paper.

Q. What was this legal-cap paper resting on while he wrote?—A. Does not know.

Q. Was this man immediately to the side of Francis Johnson?—A. I cannot say.

Q. Do you remember that the clerk was sitting at the table every time you saw him that day?—A. Yes.

Q. Was the polls kept open and the voting carried on continuously all day?—A. Yes.

Q. Where did the clerk take his breakfast that morning?—A. The place we slept that night.

Q. Did you see the clerk eating anything else that day?—A. Yes; I saw him eating lunch.

Q. Where?—A. Sitting at the polls.

Q. Did you see him take lunch with Mr. W. H. Jones?—A. No; I saw him eating crackers at the polls.

Q. Were you out of sight of the clerk an hour at a time during the day?—A. I don't think so. He was out of my sight only long enough for me to vote a man. When a man wanted to vote I gave him a ticket and went in the house with him and see him vote.

Q. How were you elected clerk six days before the election?—A. The board met and appointed me. I am sure they met, but was not present. The managers were Sparkman and Great, but don't recollect the other.

Q. How do you know the managers were in session, when you were not present at the meeting?—A. I saw them all in town. I saw them in a room together—one of the court-house offices.

Q. Was Mr. Sparkman one of the managers at that meeting?—A. I don't recollect. All I know is, the managers met. This meeting was six days before the election.

Q. Who notified you that you were elected clerk?—A. The same man who acted as chairman. He was accompanied by one of the other managers.

Q. Did you file your oath with the clerk of court, as they requested you?—A. Yes.

Q. If you filed your oath with the clerk, and was present at the Bird-field poll, why did you not take your place as clerk?—A. Because the

day prior to the election I took sick, and it was likely I would not appear, and Francis Johnson was substituted in my place.

(The witness begs to correct the statement as to "the day prior to the election," and substitute "two days before the election." This correction was made after the list was read over.)

Q. Who was it likely to that you would not appear?—A. To myself. I wrote a letter to the board.

Q. What was the superscription on the outside of the letter you wrote to the board?—A. "To the Board of Managers of Birdfield Poll?"

Q. What did you do with the letter?—A. Sent it by Francis Johnson.

Q. When did you next see Francis, after you sent that letter by him?—A. I saw him the next day, in the afternoon.

Q. How did the managers proceed to discover the discrepancy between the poll-list and the ballots in the box?—A. They were taken out singly and counted.

Q. What was done with each ballot as counted?—A. I think they were laid on the table; the chairman then took them up and put them back in the box.

Q. What was done with the three ballots that were over on the list after they were drawn out of the box?—A. They were destroyed.

Q. Were they seen before they were destroyed, so as to ascertain who was voted for on the ballots?—A. They were seen and ascertained who were voted for before they were destroyed. I did not read the names on the tickets; I knew the tickets.

Q. How did you know the first ticket drawn out?—A. Because it was a red ticket. The next ticket was Mr. Jones's ticket, because it was different from the others in paper and in size. The third ticket was the regular democratic ticket.

Q. Who drew them out of the box?—A. I think Mr. Sparkman did.

Q. What do you mean when you say they counted the unscratched tickets first?—A. That they took a ticket out of the box and seeing it had been voted just as it was printed, they then counted it; but when they took up a ticket that was seen to have been changed or altered from the way it was printed, they laid that aside.

Q. Where did they lay that altered ticket?—A. On the table. When they had finished counting the straight tickets then they counted the scratched ones.

Q. You say you were the distributor of the regular republican ticket that day?—A. I was.

Q. Who were the candidates for the house of representatives on that regular ticket that you distributed?—A. Charles Green and Pompey Kinloch.

Q. Was this the red-eagle ticket?—A. Yes.

Q. Were the names of Charles Green and Pompey Kinloch on all the tickets you distributed that day?—A. Every single one.

Q. Was there no other name on a red-eagle ticket voted there that day?—A. None that I saw.

Q. Do you mean to say none of the red-eagle tickets were scratched that day?—A. No; not so far as representatives were concerned. The senator were scratched, and other officers were scratched.

Q. Was it pretty generally scratched at that poll?—A. Not very generally.

Q. Who was senator on regular ticket—red-eagle ticket?—A. Bruce H. Williams.

Q. Whose name was substituted when Williams's name was scratched?—A. W. H. Jones.

Q. Did you vote there that day?—A. No; I am under age.

Q. Did you see any violence to any man that day—did you see one man kick another for voting?—A. No; I saw none.

Q. Were these political meetings you spoke of as having attended at Carver's Bay, Waccamaw, &c., democratic meetings?—A. Were all democratic meetings.

Q. At these various democratic meetings were republicans invited to speak?—A. They were.

Q. Did the democrats and republicans alternate in speaking?—A. The republicans were allowed about 10 minutes and democrats about 60. The republicans were invited to speak and did speak, and this was true with all the democratic meetings I attended. Bruce H. Williams might have been an exception to the rule in speaking—he might have spoken a longer time.

Q. Did you attend any republican meetings during the campaign?—A. Yes.

Q. Were the democrats invited to speak at those meetings?—A. I don't remember of attending any republican meeting outside of the town after the nominations.

Q. Did you attend the republican meetings in the town?—A. I attended one.

Q. Were there any democratic speakers at that?—A. Some were there, but no speeches were made by them.

Q. How many republican speakers spoke while you were present?—A. I saw and heard several republicans speak.

Q. Did you hear any invitation extended to any democrats to speak?—A. No.

Q. Was this the only republican meeting after the nomination?—A. I don't recollect.

Q. Did you go out with any of the republican speakers or candidates electioneering?—A. Not after the nomination. Some meetings was held by them, but I attended none except the one in town.

Q. Do you remember the main points that any of the republican speakers made in their speeches?—A. The chief point urged by our leaders were that Chamberlain would be as good a governor as Hampton. He had proved himself to be a reformer.

Q. Were there any allusions made by the speakers to the charges and counter-charges between Chamberlain and Elliott?—A. I heard the democrats make a charge against—Mr. Richardson charge Elliott of abusing Chamberlain, and one of the republican speakers produced a card, published in a paper by Elliott, denying the language used by Mr. Richardson.

Q. Did you hear any of the democrats charge Chamberlain with abusing Elliott, saying Elliott was the leader of the corrupt wing of the party, and refusing to go on the ticket with him, or anything to that effect?—A. I heard no such charge made.

Q. Was it or not true there had been charges made against Chamberlain and Elliott?

(This question ruled out, which was objected to by Mr. S. T. Atkinson, attorney for contestee.)

Q. You have said that you attended a public meeting near Hagley—a democratic meeting—at which S. B. Gipson, a republican, together with others, were invited to speak, and that the democrats were displeased with Gipson's speech. Please state what was the nature and substance of Gipson's speech on that occasion.—A. Gipson said in substance, advising the colored people that Chamberlain was the proper

man to vote for for governor; that the democrats were not able to keep the pledges they have made.

Q. Did you hear Gipson allude to the time the colored people were in slavery?—A. I can't say I did.

Q. Did you hear him say to the colored people that formerly they were whipped by the white man?—A. I heard a great part of his speech.

Q. How long did he speak?—A. Not longer than fifteen minutes.

Q. How near to the stand were you when he commenced?—A. Don't remember my position; I was near enough to the stand to hear him distinctly; was in hearing distance.

Q. How long did you remain where you were when he commenced?—A. I can't remember.

Q. Where were you when he stopped speaking?—A. I imagine I was aside with a friend.

Q. Were you ever beyond the sound of his voice while speaking?—A. I may not have been out of the sound of his voice.

Q. When you came there, about 2 o'clock, you said you were invited to dinner; how long was it, after you got there, before you were invited to dinner?—A. When we got there Mr. Richardson was speaking, and as soon as he concluded we were invited to dinner.

Q. Did the people seem to be listening attentively to what Mr. Richardson was saying when you got there?—A. Yes; everything was quiet; everything seemed to be going on harmoniously; saw nothing to the contrary.

Q. Were the colored people invited to the dinner?—A. They were apparently waiting for dinner.

(Mr. Atkinson objects to this answer as mere matter of opinion.)

Q. Did the colored people partake of the dinner when invited?—A. Yes; they eat dinner.

Q. Was there not good humor, and everybody seemed pleasant at dinner—everything cheerful?—A. Apparently there was.

Q. You say after Gipson spoke the place became too hot for him and he thought best to leave; give me a description or an exhibition of the matters which manifested this heat?—A. Before Gipson spoke the speeches, in fact, were of one kind; that may account for the harmony that prevailed; but Gipson spoke in favor of the republican party and candidates, and that was the cause of the heat. The manifestations were the joy of one side over the other; the republicans were glad to see some one to speak for them; the only reason they were glad was he heard many say they were glad, and saw outward signs.

Q. What are some of those outward signs?—A. Some of them cheered.

Q. Did Gipson leave in consequence of the cheers of his republican friends?—A. No.

Q. Why did he leave?—A. Because his speech displeased the democrats.

Q. How do you know his speech displeased the democrats?—A. I saw it by indications.

Q. What were the indications of displeasure you saw?—A. Hisses; I remember nothing else. I heard one man, a democrat, say he is a damned son-of-a-bitch, and ought to be killed; and heard other men use similar language.

Q. What was the name of the man using that language, or the men using the similar language?—A. Don't know.

Q. How do you know he was a democrat?—A. Any man who supports a democratic candidate and favors a democratic party I call a democrat.

Q. Did they not find fault with Gipson's speech because it was an incendiary speech?—A. Yes; that's what they called it.

Q. Did you see the democrats do any thing to injure Gipson?—A. No; I saw no attempt to injure him.

Q. Did you hear any democrat use violent language to him after his speech was over?—A. No.

Q. Was that a large meeting?—A. Yes.

Q. Who were in larger number, the white or the colored people?—A. The colored people.

Q. Did you and Gipson leave directly after the remarks made by the democrat?—A. Shortly after we left.

Q. Who was speaking when you left?—A. Don't remember; the meeting was not broken up. After we got on board of the boat it was some time before the others came down.

Q. Did Mr. Gipson to your knowledge ask to be allowed to speak at that meeting?—A. Don't know.

Q. When you say up to the time Gipson spoke, while the speeches were in fact on the democratic side, do you mean to say that no republican speaker had spoken before Gipson?—A. I mean to say that no republican speeches had been made up to that time.

Q. Do you mean to say no republican speakers had spoken before Gipson?—A. A republican was on the stand, but no speeches were made by this republican.

Q. You mean to say then no republican made a speech that day before Gipson?—A. Not to my knowledge.

Q. If you say that you had no knowledge that any republican speaker had spoken on that occasion before Gipson, how do you undertake to say that all the speeches made prior to Gipson's speech were in fact democratic speeches?—A. Because the republican speakers went up with us.

Q. Who were the republican speakers went up with you?—A. Gipson, Moultrie, and Lawrence; they were the speakers for the occasion.

Q. Did Charles Green or Pompey Kinloch go up with you?—A. No.

Q. Did you not find Charles Green and Kinloch on the ground when you got there?—A. Shortly after I got there I saw them.

Q. Were not Green and Kinloch the regular candidates for the house on the republican regular ticket?—A. Yes.

Q. If you did not know when Green and Kinloch went to that meeting, how do you undertake to say they did not make speeches there that day before Gipson did?—A. I do not know what took place before I got there; only what occurred after I got there.

Q. You then simply meant to say that you knew of no republican speeches being made on the occasion before Gipson's?—A. I mean to say no republican speeches were made there, before Gipson's, after we got on the ground.

Q. Did the republican candidates for the legislature go to that meeting with yourself and Gipson?—A. No.

Do you know at what hour that meeting was called for?—A. No.

Q. Were there or not any republican speakers upon the stand before you and Gipson got there?—A. I remember, I think, there was one on the stand before Gipson.

Q. Who was it?—A. Kinloch, the candidate for the legislature.

Q. When you said that all the republican speakers went to the meeting together with yourself and Gipson, did you mean to say that these were the speakers appointed or invited to speak on that occasion?—A. No, sir; don't mean to say they were appointed or invited.

Q. Did you see upon the ground, when you got there, any republi-

can as capable of making a speech as Moultrie, who went along with you?—A. No, sir.

Q. Did you ever hear Moultrie make a speech?—A. Yes, sir.

Q. Did you ever hear Kinloch make a speech?—A. Yes, sir.

Q. Is Kinloch not as sensible a man and as good a speaker as Moultrie?—A. Don't think so.

Q. Is not Kinloch an intelligent man; was he not a candidate for the legislature?—A. He was a candidate for the legislature, and elected. Don't know whether he is an intelligent man or not.

Q. Were you a member of the convention that nominated Kinloch?—A. Yes.

Q. Was the republican nominating convention composed of intelligent men that nominated Kinloch for representative?—A. I do not know as to their intelligence. Kinloch was nominated by the convention. I did not vote for him.

Q. How many republicans were on board this boat that turned Gipson from Hagley?—A. I do not know.

Q. Were there as many republicans as democrats?—A. I don't think there was.

Q. Did any other republicans return on that boat but what went up with you and Gipson?—A. A few returned more than went up.

Q. Was the democrat that told you Gipson ought to be killed on board of the boat?—A. I think he was.

Q. Were the democrats on that boat in force enough to kill Gipson if they desired it, when coming down the river?—A. It was possible. It was possible they could kill every republican on board of the boat if they desired. I saw no offer to kill him.

Q. You say when you got here that night preparations were going on for a democratic meeting; did that meeting take place?—A. Yes.

Q. Who were the speakers; who tried to speak?—A. Mr. Hutchins, Mr. Richardson, and Mr. Bowley.

Q. Which were democrats, and which were republicans?—A. The two first named are democrats, and the last named republican.

Q. Did Hutchins address the meeting?—A. No; he made no speech at all; he was not allowed to do so.

Q. Who created the opposition to Mr. Hutchins's speaking there that night?—A. Don't know; so many heads, could not say.

Q. Who started the opposition?—A. Do not know.

Q. Did you see J. H. Jones, E. C. Rainey, and Frank Lawrence at that meeting?—A. Yes.

Q. Where did you see them, what part of the assembly?—A. Saw them on the ground in front of the speaker.

Q. Did you see Francis Johnson and George Pawley there that night?—A. Yes, sir.

Q. You say this was a democratic meeting. The democrats did not stop Hutchins from speaking, did they?—A. I do not know.

Q. Who prevented Richardson from making his speech there that night?—A. Don't know.

Q. Was he not interrupted during his speech?—A. Yes.

Q. Was not that interruption of a character to prevent him from finishing his speech?—A. No.

Q. Did not Mr. Richardson make various attempts to be heard, and could not be heard?—A. I do not remember.

Q. Then I understand you to say that Mr. Richardson began his speech, and continued without interruption by any noise that prevented him from being heard.—A. Yes.

Q. Were not the questions put to him, and repeated without giving him an opportunity to answer them?—A. Not to my recollection.

Q. Was there any noise, during that meeting, while Mr. Richardson was speaking?—A. Yes, sir.

Q. Was that noise made by republicans or democrats?—A. By boys, colored boys; know of no noise, except that made by colored boys, during the time Mr. Richardson was speaking.

Q. How long did the fight between the colored boys last?—A. A few minutes.

Q. How long was it Mr. Richardson attempted to speak?—A. A good while.

Q. Do I understand you to say that during the time Mr. Richardson was speaking there was no noise, except the fight between the colored boys, loud enough to interrupt him?—A. Yes.

Q. Were you at that meeting from the time Mr. Richardson arose to speak until he got through?—A. Yes.

Q. Who is Gipson; is he a native of South Carolina?—A. He is one of those men called carpet-baggers; is not a native of South Carolina.

Q. Is Gipson a republican leader of this county?—A. Yes.

Q. Have you had any conversation with Gipson during the last canvass?—A. Yes.

Q. Have you heard him say anything what was the purpose of bringing United States troops to the State?—A. No.

Q. Did you ever hear him say anything about the disbanding of the rifle clubs?—A. Yes.

Q. What did he say about them?—A. Heard him say they were ordered to be disbanded.

Q. What else did he say?—A. Does not remember.

Q. Did you ever hear him say that by the disbanding of the rifle-clubs, and not the militia, would give the advantage to the republicans?—A. Never heard him say anything.

Q. What effect had it upon you when you heard that the rifle-clubs were to be disbanded and the colored militia were not?—A. It did not affect me either one way or the other.

Q. As far as your observations extended, what effect was it upon the colored population?—A. I observed no effect at all.

Q. What do you suppose was the purpose of introducing United States troops in the State?—A. Was to protect the entire people.

Q. Had there been any efforts to take away any of the people's rights, that required the protection of the troops?—A. Yes.

Q. What effort had been made to take away the rights of the people?—A. So far as I can learn, the rights were violated at Edgefield, Hamburg, and Laurens, and other places—it strikes me now, Aiken, Barnwell.

Q. What were these efforts?—A. Murder and proscription.

Q. What kind of proscription?—A. Deprive voters of their employment.

Q. Can you give me an instance of a voter being deprived of employment by his voting?—A. W. A. Johnson, of this place.

Q. Were any troops brought here to protect him?—A. No, sir.

Q. When you speak of their being deprived of their rights in Hamburg, do you allude to anything besides the difficulty that occurred before Trial-Justice Rivers, or in connection with the trial before him?—A. I refer to that chiefly.

Q. Were not the parties accused of interfering with the colored peo-

ple in Hamburg arrested and gave bonds for to be present at their trial?—A. I don't remember about that.

Q. Was the Government at that time incapable of executing the laws of the State?—A. I was led to believe so.

Q. What led you to believe so?—A. Prevailing terrorism.

Q. Do you know of an instance of an attempt to arrest, for breach of the law, that was resisted successfully?—A. I know of an arrest being made, and the parties taken from the sheriff and shot. I read this in the newspaper, I got it from the Press. I don't know of any attempt to arrest any one for breach of the law, where resistance was offered, of my own knowledge.

Q. If soldiers were sent to the State to protect the people in their rights, why was it none were sent to the lower part of the State?—A. Because the voters of the lower counties were better able to protect themselves.

Q. Were the white voters of the lower counties better able to protect themselves than the white voters of the upper counties?—A. I do not know.

Q. When you say that the troops were sent to the upper counties and not to the lower ones, because the voters in the lower counties were better able to protect themselves, what do you mean?—A. The policy of murder, established in the upper part of the State, was not introduced in the lower part in so great a degree.

Q. Who inaugurated the policy of murder in the upper part of the State?—A. I understood it always came from the democracy.

Q. You say that the troops were sent to this State to protect the people. Do I understand you as meaning that they were sent to protect the people against the policy of murder, which you said the democracy inaugurated?—A. No; I mean to say they were sent to put down violence wherever found.

Q. Then, as you have said, the policy of murder was inaugurated in a less degree in the lower counties. Why was it that no soldiers at all were sent to the lower counties?—A. Because law and order was respected here in a much greater degree than in the upper counties.

Q. Why do you state there was more law and order in the lower counties than in the upper?—A. The record of the courts presented—

Q. The records of what court?—A. The records of the district court of the United States.

Q. At what term?—A. December term of 1876.

Q. What was the character of the crimes for which they were tried?—A. Some for murder, and other crimes.

Q. What other crimes?—A. For aiding and abetting.

Mr. Dozier here closes.

Redirect examination :

Q. Where was the clerk of the board of managers when the white man you spoke of was at the table?—A. He was present and attending to his duties.

Q. Do you mean to say that white man was there attending to the duties of clerk?—A. None whatever.

Q. Do you know what the white man was doing; whether it was for himself or for the board?—A. I am sure it was not for the board.

Q. Do you know whether the clerk had abandoned his duties or any of his duties at the time that white man was writing?—A. Was not—did not.

Q. Did you mean to say in your answer, in locating these men around

that table, that they did not move about, but sat there as if they were fixed there as statues of marble, bronze, or anything else?—A. I did not.

Q. Did they or did they not move around the table attending to their business?—A. They move around.

Q. Were those meetings you spoke of as attending as democratic meetings, open to republicans as well; were they not public meetings?—A. They were.

Q. Did you ever attend any republican meetings at which democrats were present?—A. Yes.

Q. Do you know of any disturbance having occurred at any of the public meetings you attended during the last campaign? If so, to whom was that disturbance attributable, to democrats or republicans?—A. There was no disturbance.

Q. Do you know of any instance where the democrats were prevented by the republicans from speaking?—No.

Q. Do you know of any instance where the republicans were prevented by the democrats from speaking?—A. No.

WM. A. SINCLAIR.

Sworn to before me this 9th day of April, A. D. 1877.

WM. H. DORRILL, N. P.

UNITED STATES OF AMERICA,
State of South Carolina, Georgetown County:

JOHN S. RICHARDSON, CONTESTANT,	} Contested election, first congressional district South Carolina.
<i>vs.</i>	
JOSEPH H. RAINEY, CONTESTEE.	

THE STATE OF SOUTH CAROLINA,
Georgetown County:

JOSEPH BRUNSON, (colored,) having been called as a witness for the contestee, after being duly sworn, testified as follows, to wit:

Question. Are you a native of this county?—Answer. No; a native of Clarendon County, in this State.

Q. How long have you been in Georgetown County?—A. Twelve years.

Q. Were you here during the canvass of the last general election?—A. Yes.

Q. Where were you at last election; at what poll?—A. At Grier's poll.

Q. Who were the managers of election at that poll?—A. William Collins, myself, (Joseph Brunson,) John Grove.

Q. Who was chairman of the board of managers?—A. I, Joseph Brunson, was.

Q. At what hour was the polls opened and at what hour was it closed?—A. It was opened at 6 o'clock a. m. and closed at 6 o'clock p. m.

Q. Who was your clerk at that time?—A. James A. Bowley.

Q. How were you appointed as manager of election at that poll?—A. By the commissioners of election.

Q. Do you know how the other two managers were appointed?—A. By the commissioners of election, same as I was appointed.

Q. How did all the managers qualify?—A. Came to town and went be-

fore R. O. Bush, took my oath; the other managers were in town with me same day, but did not go with me when I went to qualify; they came to town for that purpose, and am sure they did qualify. I went out of town with Collins. They came to town with me for that purpose.

Q. How was Bowley appointed as clerk?—A. By the board of managers; he was regularly sworn in. I, as chairman, swore him in to act as clerk.

Q. At what time did the voting commence?—A. About a quarter after 6 o'clock, those present commenced to vote.

Q. Do you remember that all the men who came there to vote did vote?—A. Yes; all voted but a few boys that was challenged.

Q. Do you know of any one going away, from the delay in the commencement of the vote—as the voting, you say, was not commenced before a quarter past 6—did any one leave on account of that delay?—A. No, not one; all voted.

Q. What caused the delay of a quarter of an hour in voting?—A. Because, when we opened the box, we found the lock unsafe. We then sent for some nails, and nailed down the box, and directly after the box was nailed down the voting commenced.

Q. Did the voting continue regularly on then until the polls closed in the evening?—A. Yes, regularly on.

Q. After the hour of 6 p. m. arrived, and you closed the polls, what did the managers then do?—A. The voting was stopped at 6 o'clock p. m.; we then opened the box and counted the ballots.

Q. Did the number of the ballots agree with the number of names on poll-list?—A. They did agree.

Q. What then did you do with the ballots and poll-list, after counting?—A. We put the ballots in the box.

Q. What did you do with the poll-list?—A. Put it in the box with the ballots.

Q. What then did you do?—A. We sealed the box; we took a piece of paper and sealed it over the key-hole and hole the ballots were put in when voted, and wrote our names over the paper; also nailed up the box.

Q. Who wrote the names on the paper over the holes?—A. Each manager wrote his own name.

Q. Who took charge of the box then?—A. John Grove and W. S. Collins, two of the managers.

Q. What were they directed to do with the box by the board?—A. To keep it safe during the night, and deliver on the next day to the commissioners of election.

Q. Which of those two men were directed specially to take charge of the box?—A. John Grove was in charge of the box in writing. W. S. Collins desired that Grove should have the box, for he was intended to go along with the box, whether the chairman had it, or any one, as he said Mr. Fraser told him to keep with the box whether the chairman had it or the manager.

Q. Do you know whether Mr. Collins was a democrat or a republican?—A. He was a democrat.

Q. Do you know what Mr. Fraser was—a democrat or republican?—A. I believe he is a democrat.

Q. Did you see Grove leave the ground with the box?—A. Yes.

Q. Did Collins go along with him?—A. Yes.

Q. What was done with the box by the messenger?—A. They left the ground with the box, being directed to deliver it to the commissioners of election.

Q. How did everything pass off at the polls?—A. Everything passed off very quietly.

Q. Was there any violence or threat used against any one wanting to vote that day?—A. None that I know of.

Q. Were you in this county during the canvass?—A. Yes.

Q. Do you know of any organized plan by the republicans to prevent the democrats from voting as they desired?—A. No; I know of none.

Mr. Atkinson here closes.

Cross-examination :

Q. What year did you come to this county?—A. Year 1875. (Corrected by saying 1865.)

Q. Where did you first locate?—A. In the town of Georgetown.

Q. When did you leave Georgetown?—A. In 1866.

Q. Where did you then go?—A. To Williamsburg County.

Q. How long did you reside there?—A. From 1866 to 1868.

Q. Where did you go from there?—A. Moved back to Georgetown in 1868.

Q. What part of Georgetown County did you then locate in?—A. In Pee Dee.

Q. What part of Pee Dee?—A. Lower Top Saw.

Q. Have you remained there ever since?—A. Yes.

Q. How far is Top Saw from Grier's poll?—A. Two miles.

Q. What is your occupation?—A. Farming and making of turpentine.

Q. Have you ever held any office under the government?—A. Yes; one—State government.

Q. What office did you hold?—A. Trial justice.

Q. Do you hold that office now?—A. No.

Q. By what process were you removed from office?—A. I resigned.

Q. Why did you resign?—A. Because on account of inability.

Q. How long had you held the office before you resigned?—A. Eight months.

Q. Did you have any cases during your holding of office?—A. Yes; some three or more, but cannot recollect the number.

Q. Do you remember the nature of those cases?—A. No, I cannot remember the nature of those cases; assault and battery might have been one.

Q. When did you discover your inability to hold office?—A. After the trial of the cases I had.

Q. When were you elected chairman of the board of managers?—A. I was elected chairman on Saturday, four days before the day of election. The board of managers met some three days before the election and appointed me chairman. All the board was present when I was elected.

Q. Where did the board meet?—A. We met at the precinct poll; that was the middle ground, and we all agreed to meet there.

Q. When was it that all the managers came to town?—A. I don't know. I know it was directly after we received our appointment as managers.

Q. How long was it before you had the meeting that elected you as chairman?—A. About three days.

Q. How do you know that the other two managers qualified when they were in town?—A. I did not say they were qualified; I believe they were qualified; they told me they had qualified.

Q. When did they tell you they were qualified?—A. Mr. Collins told me in town that he had qualified; Mr. Grove told me at the meeting we had when I was elected chairman that he had qualified.

Q. When did you appoint your clerk?—A. We did elect a clerk at the

same time I was elected chairman, and he failed to serve, who was Gabe Ellis.

Q. What did you do with the oath you took as manager?—A. I left it with R. O. Bush to file with the clerk of the court, as I could not find the clerk when I was in town.

Q. Did the other managers tell you what they did with their oaths when they qualified?—A. No, sir; of course not.

Q. When did the board find out that Gabe Ellis would not serve as clerk?—A. On the morning of the election. Up to that time we had every reason to believe that he would serve.

Q. What time did you get to the polls on the day of election?—A. About half past 5 o'clock.

Q. Who was there when you arrived?—A. Mr. Grove, Mr. Collins, and several others.

Q. Was Mr. Gabe Ellis there?—A. Mr. Collins reported that Mr. Gabe Ellis would not serve.

Q. Who had the ballot-box?—A. Mr. Collins had the box.

Q. What time was it that the board of managers came together as a board that morning, day of election?—A. At half past 5. Just as soon as we arrived we met. Mr. Collins then reported Mr. Ellis would not serve, and we came together and appointed another clerk.

Q. You say you appointed Mr. Bowley; was he on the ground?—A. Yes.

Q. What time was it that you appointed Mr. Bowley as clerk?—A. About three-quarters after 5.

Q. Did you have a watch?—A. Yes. I did on that day.

Q. Did Mr. Bowley have a watch?—A. Yes; also Mr. Grove.

Q. By whose watch did you open the polls?—A. By my watch; the clerk's watch and mine were of [or had] the same time.

Q. What time was it you did actually open the polls?—A. It was a quarter after 6.

Q. You say the delay was caused by the box being out of order and you had to send for nails to nail it up. How far had you to send for the nails?—A. About 400 yards; the nails was all I sent for.

Q. Did you have a hammer or hatchet?—A. I only sent for the nails, but the man who brought the nails brought also a hammer or hatchet.

Q. Who nailed the box?—A. John Grove.

Q. You say the box was unsafe. Describe the condition of the box that caused it to be unsafe.—A. The unsafeness that I mean to say was not in the box, but it was the lock on the box, which was out of order. After we locked the box we tried the lid, and found that the catch on the box-top did not catch the bolt in the lock, as the lock was out of order.

Q. Were the hinges all right?—A. Yes.

Q. You say you were appointed by the commissioners of election; who were the commissioners?—A. John A. Howard, Col. Ben Allston, and David Wilson.

Q. How did you know they appointed you manager of election?—A. They sent me a notification.

Q. When?—A. Some six days before the election. Mr. Allston sent it to my house by James A. Grier.

Q. What did you then do?—A. I then said to Mr. Grier I would serve and come down and qualify.

Q. Did you know at that time who the other managers were?—A. Yes; I knew Mr. Collins was, as Mr. Grier brought his paper with mine.

Q. How long after that before you knew that Mr. Grove was a manager?—A. I never did find it out until we met in town here. After I met Mr. Collins he told me Mr. Grove was appointed as the other manager. I met Mr. Collins before I came to town; he came to my house before that time and told me Mr. Grove was appointed as the other manager.

Q. When did you see Mr. Grove?—A. Never seen him until the day we came here in town to qualify.

Q. Does Mr. Grove live up your way?—A. Yes; about six miles from me.

Q. How long was it after Mr. Grier brought you your appointment that you and Collins appeared in town to qualify?—A. I know it was over two days.

Q. How long did you stay in town?—A. About four hours, I suppose.

Q. How did you conduct the voting that day?—A. I administered the oath.

Q. How many were challenged, if any?—A. Some three or four were challenged.

Q. Who challenged them?—A. H. D. Lubs was one.

Q. What were the grounds he challenged them on?—A. Not being of age—too young.

Q. Did they vote that day?—A. No. I know them, but don't know their age; they looked too young to me to vote. No excitement was caused by the refusal to allow these boys to vote.

Q. What time of the day was it they came up to vote?—A. About ten o'clock—between ten and twelve.

Q. Did they all come together?—A. No; one came about ten, another about twelve, and the other about one o'clock.

Q. How long a time was occupied in deciding upon the cases of the three boys who offered to vote and were challenged?—A. About six or seven minutes to each one.

Q. Who opened the ballot-box when the voting ceased and ballots were to be counted?—A. John Grove opened the box in the presence of all the managers.

Q. What did you do then?—A. The supervisor and constable of the day surrounded the managers, and the box was opened and counting of ballots commenced. The votes were put on the table after being counted.

A. Who counted the ballots out of the box?—A. Mr. Collins, Mr. Brunson, myself, as chairman, and Mr. Grove.

Q. Did I understand you that all three of the managers counted the votes out of the box together?—A. The managers first took out the votes and assorted them, by putting the republican votes in one pile on the table, and then the democratic votes in another pile on the table.

Q. How many piles of tickets did you make?—A. We made three piles.

Q. Designate the different piles.—A. One democrat and two republican piles.

Q. What then did you do?—A. We commenced to count them and return them to the box.

Q. What time did you get through counting?—A. In or about eight o'clock.

Q. Was there more ballots in the box than names on the poll-list?—A. Yes.

Q. When did you discover this discrepancy?—A. When we were taking out the ballots. When we put them back they all agreed.

Q. How many more ballots were in the box than names on poll-list?—
A. One.

Q. What did you do with that one?—A. As soon as we discovered there was two republican votes folded up together we took one and destroyed it.

Q. How were they folded?—A. They were folded together.

Q. What did you do then?—A. We put the poll-list in the box and closed the box; there was no other mistake except the ballot above mentioned to rectify.

Q. What kind of writing did the managers give Mr. Grove when he took charge of the box?—A. As usual, given to a manager, who takes charge of the box to deliver to the commissioners of election.

Q. How did the board come to select Mr. Grove?—A. The board agreed for Mr. Grove to have the box simply because he was living on the road, seven miles from the polls, near Georgetown, and as he had to come down, we gave him the box for delivery.

Q. Did he leave that night for home with the box?—A. Yes.

Q. Did you see him leave?—A. Yes, with the box.

Q. Have you seen the box since?—A. No.

Q. Do you know what time Mr. Grove brought that box to town and delivered it to the commissioners?—A. No.

Q. Were there many people around the polls when Mr. Grove left with the box?—A. Yes.

Q. Did they go with him?—A. No.

Q. Do you, of your own knowledge, know whether or not there was any disturbance at or around that poll?—A. There was no disturbance.

Q. You say there was no plan that you know of to prevent men from voting the democratic ticket at that poll?—A. I knew of no plan there nor anywhere else during the canvass.

Q. Do you mean to say that there was no plan?—A. I mean to say that I don't know of any.

Redirect:

Q. In your answers to the cross examination, you stated that you gave up the office of trial-justice on account of your inability to discharge the duties. Did that inability proceed from your ignorance of law or from what cause did it proceed?—A. It is from the cause of having more to do than I could well discharge.

Q. Was it more to do in that office or from other business accumulations?—A. It was more in my private affairs than related to the office, which would benefit me more and pay me better than to tamper with the office.

Q. You stated that there were two or three persons who wanted to vote on the day of election, but did not vote, and was challenged by Mr. Lubs as being under age. Was Mr. Lubs a democrat or republican?—
A. He was a democrat.

Q. Were those persons who were challenged by him and not allowed to vote democrats or republicans?—A. They were republicans.

Examination closed.

JOSEPH BRENSEN.

Sworn to before me this 10th day of April, A. D. 1877.

WM. H. DORRILL, N. P.

Mr. W. H. Jones, attorney for contestant, objects to the question of inquiry as to whether Mr. Lubs was a republican or democrat, as to being new matter, not having the to reply.

UNITED STATES OF AMERICA,
State of South Carolina, Georgetown County:

JOHN S. RICHARDSON, CONTESTANT, }
vs. } Contested election, first congressional district, South Carolina.
 JOSEPH H. RAINEY, CONTESTEE. }

THE STATE OF SOUTH CAROLINA,
Georgetown County:

Dr. HENRY F. HERIOT, (white,) having been called as a witness for the contestee, after being duly sworn, testified as follows, to wit:

Question. Are you a native of South Carolina, born and raised here?—
 Answer. Yes; I am.

Q. How long have you lived permanently in Georgetown County?—
 A. Ten years.

Q. Did you take an active part in the last general election?—A. I can't say that I did.

Q. Did you not have an idea of the plans adopted by the republicans and democrats for conducting the campaign?—A. I think the republicans conducted the canvass fairly and squarely.

Q. Do you know that the republicans regarded it necessary to have United States troops in the State and congressional district?—A. Yes; I think they regarded it necessary.

Q. What was the necessity contemplated for the presence of troops?—
 A. So as to secure order and procure a fair election.

Q. What source of disorder or danger was apprehended, as calculated to prevent the fairness of the election without the presence of troops?—
 A. It was believed that large bodies of horsemen were riding through the country to prevent voters from voting the republican ticket.

Q. Do you know of any organized plan by the republicans against the democrats to prevent the colored people from voting for the democrats?—A. I know of no such plan.

Q. Were you in Georgetown on the night Mr. Richardson attempted to address the people?—A. Yes, I was; was not at the meeting; cannot state what occurred on that occasion.

Q. What poll did you attend on 7th November last, the day of election?—A. Georgetown poll.

Q. Job Mazyck stated that you took votes from voters—democratic votes—on day of election, and destroyed them.—A. I deny the charge; was but a very short time at the polls.

Q. Did you have any unpleasantness or any quarrel on the day of election with Peter Woodberry?—A. I had no quarrel. There was a disposition on the part of Peter Woodberry to intimidate me.

Q. Please state the particulars of that occurrence, so as to show the animus on both sides.—A. Upon coming to the polls to deposit my vote I found the two gates at the court-house guarded by four colored men with clubs; cannot say whether the colored men were democrats or republicans; believe they were democrats, because they were put there by the intendant of the town, who is known as a democrat. Although I have been associated with elections for some eight years before, I have never before known such a thing to be done, and upon being informed that these men were placed there by the intendant, I remonstrated with him as preventing voters from having free access to the polls. At this juncture Peter Woodberry came forward with his loud voice, in a menacing manner, and said, "By God, there is no use for Doctor Heriot and

Joe Rainey to be scared, for they have Tom Dickinson acting as manager," when it is since known the said Dickinson voted the democratic ticket.

Q. How do you know that Mr. Dickinson voted the democratic ticket?—
A. Because he is published in the Georgetown Times as a Hampton taxpayer. My reply to Woodberry was, "I don't know the meaning of fear. We are entitled to fair play." His reply was, "By God, you looked scared and talk scared," and my belief is that the said Woodberry—
(Objected to, the latter part, as the doctor's belief, and ruled out.)

Q. Who was Peter Woodberry, a democrat or republican?—A. A democrat.

Q. Do you know whether he was engaged as an active agent by the democracy?—A. I believe it.

Mr. Atkinson closes here.

Cross-examination by Mr. C. R. Anderson:

Q. Do you or have you ever held an office from the National or State republican party?—A. I have.

Q. What office have you ever held in the National Government by the republican party?—A. Collector of customs.

Q. How long have you held that office?—A. Nine years.

Q. What office have you held under the republican State government?—A. I was county auditor once, and am now health officer.

Q. Did you hold any office on the day of election?—A. Yes; I held the office of collector of customs and health officer.

Q. Was it not contrary to the proclamation of the President of the United States, or was it not contrary to law, for one person to hold an office under the National Government and State government at the same time?—A. I know of no law prohibiting it, but President Grant did issue an order prohibiting Federal officers from holding State offices. This caused me to resign the office of county auditor during the administration of Governor Moses; but upon the election of Governor Chamberlain as governor, President Grant made an exception in my favor, and allowed me to hold the health office, which was in the gift of Governor Chamberlain, in connection with the office of collector of customs, when it was brought to President Grant's notice that the collector's office was only worth \$400, and was totally inadequate for the support of my family.

Q. Was it not brought to the President's notice by Joseph H. Rainey, Congressman at the time?—A. I believe it was brought to the President's attention by the whole republican delegation of Congress from South Carolina.

Q. Did you ever attend any private caucuses of the leaders of the republican party during the last campaign?—A. No.

Q. Do you not know it was part of their plan to use force and intimidation against the colored people who intended to vote the democratic ticket?—A. No.

Q. Was it not the general impression that troops were brought to the State to prevent the colored people from voting the democratic ticket?—
A. I think not.

Q. Did it not inspire the leaders of the republican party to use intimidation on voters who desired to vote the democratic ticket?—A. I don't believe they desired it, and if they had desired to do so they knew the United States officers would not lend themselves to anything of the kind.

Q. Did not the presence of the troops in the State make the leaders

more defiant in their speeches and actions than they were before—meaning the republican party leaders?—A. I don't believe it did.

Q. Have you not heard speeches from the republican leaders during the campaign?—A. I don't believe I have.

Q. Upon what fact do you base your opinion about what terrorism or intimidation prevailed during the last campaign?—A. The News and Courier, "Hampton's organ," boasted of Hampton riding through the State with four hundred and five hundred armed horsemen.

Q. Have you never read in the News and Courier where republican voters attended political meetings or voting-precincts armed?—A. I did read of colored persons having arms at Cainhoy, also whites having arms, which I believe were republicans and democrats.

Q. Did you ever see republican voters going to the polls with arms to vote?—A. I have never seen them go armed—no arms.

Q. Have you ever seen any one go armed to public meetings, republican voters?—A. I have never seen any republicans go armed, but on one occasion I saw Peter Woodberry using a pistol in a menacing manner. He, a democrat, endeavoring to intimidate republicans.

Q. How long ago was this?—A. About six years, which was the date on which the said Woodberry commenced his career of turbulence and violence in breaking up republican meetings, in behalf of the democrats.

Q. Was he a democrat six years ago?—A. I have every reason to believe so.

Q. Was there a democratic organization in Georgetown six years ago?—A. I knew of no democratic clubs at that time, but there was a powerful democratic party.

Q. How do you know this?—A. Common sense told me so.

Q. Did the democratic party ever make a nomination for any office in Georgetown County from 1868 up to the last campaign, 1876?—A. I am not positive, but think not.

Q. Why did they not?—A. Because they believed the republicans were so much in excess that they believed it useless for them to do so.

Q. What then constituted a powerful democratic party in this county?—A. With few exceptions, every white man in the county.

Q. Was Peter Woodberry a white or black man?—A. A black man; he was the only exception of a black democrat at that time.

Q. How do you know he was a democrat at that time?—A. Because I have seen him with violence and turbulence break up republican meetings, and put an end to the object for which they had assembled.

Q. Do you remember the riot occurring in this town in 1874?—A. I do.

Q. Do you recollect of Woodberry being put in jail at the time?—A. Not that I know of. I heard that he had been put in jail.

Q. Did you not understand that riot was brought about by two rival leaders of the republican party?—A. It was brought about by W. H. Jones and James A. Bowley, so it was said.

Q. Were they not the rival leaders of the republican party in Georgetown County at that time?—A. They were both prominent republicans.

Q. Were they both not members of the State legislature?—A. I think they were.

Q. Was not J. A. Bowley and Peter Woodberry and others carried away from here as republicans on board a United States cutter?—A. They were carried away under the belief they had been engaged in the riot.

Q. Was it not at that time generally believed that Peter Woodberry

was working with a wing of the republican party?—A. I have no reason to think so.

Q. Was not J. A. Bowley a republican at that time?—A. He was so considered.

Q. Was he not considered as a very prominent and active republican?—A. He was.

Q. Was not Peter Woodberry one of his strong supporters at that time?—A. I do not know him as such.

Q. Why was Woodberry arrested, then?—A. From the known violence and turbulence of his spirit. I suppose he would like to engage in any such affair as a free fight.

Q. Was not this riot generally believed to be gotten up by different factions of the republican party for political purposes?—A. I think it was believed that it was gotten up by the friends of Jones and Bowley, who was then contending for a seat in the State senate.

Q. Does the breaking up of a political meeting constitute a democrat?—A. Where it is evidently done to frustrate the object for which the republicans met looks very much like it.

Q. Did you attend the republican political convention last fall before the election?—A. I was present at the meeting in the court-house; don't think it was a convention.

Q. Was it not for the purpose of selecting delegates to attend the republican convention?—A. I am not positive what the object was; I was present only for a short time.

Q. Was Peter Woodberry there at the time?—A. He was.

Q. Was he not there as a friend of Mr. Jones?—A. I do not know whose particular friend he claimed to be.

Q. Was he quiet at the time?—A. Far from it; the court-house furniture bears marks of violence from his club.

Q. Did you see anybody armed there at the time with pistols, clubs, or bowie-knives?—A. I saw Woodberry and others I took to be his followers with large clubs, beating the court-house furniture and making such a noise as to frustrate the object of the meeting.

Q. Do you know in whose interest he was working?—A. I have every reason to believe that he was working against the interest of the republican party.

Q. Who was the rival republican parties as candidates for State senate—for the nomination?—A. I think the rival candidates was Bruce H. Williams and William H. Jones.

Q. Did you not understand at the time that Woodberry was supporting W. H. Jones for nomination for the senate?—A. I never heard it.

Q. Did you not make some threatening remark on the day of the last election, before Woodberry approached you?—A. I did not; none whatever, or abusive remarks.

Q. Did not the intendant say to you that he had placed these men guarding the gates at court-house as special policemen?—A. I have no recollection of it.

Q. Do you know whether or not the managers of election requested the intendant to place these policemen there?—A. Intendant said so; he said it was for the purpose of controlling the crowd. I was satisfied with his explanation, and about to move off when assailed by Woodberry.

Q. Do you know Cain Rutledge?—A. I do.

Q. Was he a republican office-holder, and how did he vote?—A. He claimed to be a republican office-holder. I do not know how he voted.

Q. Was he not elected to office on the republican ticket?—A. I think so.

Q. Do you remember seeing the name of Cain Rutledge among the list of Hampton tax-payers published?—A. I don't remember.

Cross-examination concluded.

HENRY F. HERIOT.

Sworn before me this 12th day of April, A. D. 1877.

WM. H. DORRILL,
Notary Public.

UNITED STATES OF AMERICA,
State of South Carolina, Georgetown County :

JOHN S. RICHARDSON, CONTESTANT,	} Contested election, first congressional district, South Carolina.
<i>vs.</i>	
JOSEPH H. RAINEY, CONTESTEE.	

THE STATE OF SOUTH CAROLINA,
Georgetown County :

Rev. BRUCE H. WILLIAMS, colored, having been called as a witness for the contestee, after being duly sworn, testified as follows, to wit:

Question. Did you take an active part in the late general election?—Answer. I did.

Q. Were you a candidate for any office in that election?—A. Yes; candidate State senate.

Q. What poll did you attend on day of election?—A. Sampit poll.

Q. How long were you there that day at that poll?—A. During the whole voting hours—from 6 a. m. to 6. p. m.

Q. Do you know if Mr. Joseph H. Rainey, candidate for Congress, lost any votes at that poll that day; if he did, from what cause?—A. I have reason to believe he lost votes from the following reasons: There were three or four wagons came up loaded with colored men; and they were guarded by white men—not allowed to talk with colored men until after they had finished voting. One of the colored men I talked with. This man claimed to be in the employment of Mr. Walker. I asked him if he had voted. He said yes; he voted the democratic ticket. He said he was compelled to vote that ticket, because he had bought a piece of land from Mr. Walker, and had made part payment; and he said Mr. Walker said if he did not vote the democratic ticket he would take the land from him.

Q. Who were those white men who guarded these three or four wagons?—A. I knew them to be democrats, for they voted the democratic ticket.

Q. How many votes do you suppose Mr. Rainey lost at Sampit poll from the cause alluded to, or any other unfair cause?—A. At least 25 or 30 votes.

Q. As a prominent politician and leader, was there any effort that you know of to prevent the colored men from voting the democratic ticket—an organized plan of terrorism or intimidation to prevent the colored men from voting the democratic ticket?—A. Not a particle.

Q. Are you not a minister of the gospel?—A. Yes.

Q. Do you know of any threats by any of the churches to excommunicate or ostracize any colored men for voting the democratic ticket?—

A. None that I know of in the A. M. E. church. Nothing of the kind could take place in any of the A. M. E. churches without my knowledge.

Q. Who is the minister in charge of the church in Georgetown?—A. Rev. Samuel Washington.

Q. Are you the presiding elder?—A. I am.

Q. Do you know whether it was ever preached from the pulpit here that if the colored people would vote the democratic ticket, the colored schools would be closed and the colored people put back into slavery; that wives have in other counties split open the heads of their husbands for supporting the democrats, and that the wives here ought to do the same; that men should be turned out of church and be ostracized for supporting them—the democrats?—A. No; I know nothing of it personally.

Q. As presiding elder, have you ever desired or provided for any such doctrine to be preached?—A. No; my chief object during the campaign was to keep order, and did succeed in doing so at all the places I attended.

Q. Do you know of any threats of evil or harm by the democrats to deter the colored men from voting the republican ticket?—A. Nothing more than I have already stated.

Q. As a candidate canvassing and going about the county, what manifestation of unfairness on the part of either party, if any, did you observe?—A. None that I know of.

Q. Were you at Duncan's Run during the latter part of the campaign?—A. No; was not there.

Q. Do you know what was the general impression on the minds of the people—"colored republicans"—as to the presence of United States troops in the State?—A. So far as I understand it, that the troops were sent here to protect the colored people in their right to vote as they desired, and to show fair play.

Q. Were you in town the night Mr. Richardson spoke?—A. No.

Examination closed, and cross-examination commenced by William H. Jones, esq.:

Q. What time did you arrive at Sampit poll?—A. About 4 o'clock on the morning of the election.

Q. Where did you start from?—A. From over Sampit bridge.

Q. What time did the poll open?—A. Six o'clock.

Q. Were you present when the board of managers organized that morning?—A. Yes.

Q. Who was the chairman of the board?—A. I disremember the name.

Q. Do you know any of the managers?—A. I remember the name of one Mr. Bourne, and another, I think his name is Wilson.

Q. Were you born and raised in this county?—A. I was.

Q. Are you much acquainted in Sampit?—A. Pretty well; don't know many whites.

Q. What time of the day was it that you discovered these wagon-loads of men coming up?—A. The first wagon-load, I believe, was about 10 o'clock a. m.; the others came in during the day until about 4 p. m.

Q. Do you know where they came from?—A. I do not.

Q. Was it not generally reported at Sampit poll during the day of election that the poll at Black River was unsafe to vote at, as one of the managers had not qualified? Was not that the cause of those wagon-loads of men coming to the Sampit poll to vote?—A. I remember hearing a white man say the Black River poll was unsafe. Did not know that was the cause of the wagon-loads of men coming there to vote.

(Mr. Atkinson, for contestee, objects to the statement as to what the white men say, as being strictly hearsay, and not establishing a general report.)

Q. Did you know this white man?—A. No; he don't stay on Sampit; he came there to vote; he rode up on a horse.

Q. Are you acquainted pretty generally with the colored people on Black River?—A. I knew some of them.

Q. Did you recognize any colored men in those wagons as having come from Black River?—A. None.

Q. Who was this colored man, and who did he live with?—A. He staid at Mr. Walker's.

Q. You say Mr. Rainey lost some 25 or 30 votes, even allowing some of the colored men had voted the democratic ticket. How do you know this?—A. From the same reason I have already asserted—that if they had been let alone they would have voted the republican ticket.

Q. You have said that Mr. Walker's wagon was the only wagon that contained colored men that you knew anything about. How, then, do you arrive at the knowledge of the fact as to how they would have voted when you did not know them?—A. Simply upon the ground that I believe they were all republicans, and would have voted solidly the republican ticket.

Q. What led you to believe that any of the colored men would have voted the democratic ticket?—A. I supposed from a matter of choice.

Q. Not knowing these colored men in the other wagons, how do you know but what they voted the democratic ticket as a matter of choice?—A. If they did vote it as a matter of choice I don't think they would have had a body of men surrounding them and taking them to the polls.

Q. Then you don't know that they voted the democratic ticket as a matter of choice or not?—A. No one told me that they did or did not vote it as a matter of choice.

Q. What was the name of the man you talked with that lived at Mr. Walker's?—A. I know him well, but disremember his name now.

Q. How many white men surrounded each of these wagons?—A. At least seven or eight; some on foot and some on horseback. I saw several with pistols; they were concealed, though. I was within about ten or fifteen feet of them; saw when they moved the pistols behind them under their coats.

Q. In what capacity were you at the polls?—A. I was walking up and down distributing tickets.

Q. Was there any fighting at or around the polls that day?—A. None at all; everything quiet.

Q. How many republicans were there in the same capacity as yourself, distributing tickets?—A. There were five altogether.

Q. You say there was no fighting, and everything peaceable and quiet, and there were four or five republican ticket distributors; could you not have spoken to those colored men and gave them tickets before they voted?—A. We could not without creating some disturbance on the part of the whites.

Q. Were you present at all the preaching of the Rev. Samuel Washington during the last campaign?—A. I was not.

Q. Do you mean to say that none of your local preachers, during the last campaign, did not tell the people, in a way to influence them, not to vote the democratic ticket, even if it was their choice?—A. I know of none.

Q. What was the general impression upon the minds of the people, after hearing of the General Government sending troops in the State,

and the proclamation of Governor Chamberlain disbanding the rifle-clubs?—A. They felt that, under the protection of the soldiers, they would be allowed to vote free, without intimidation and violence.

Q. What office do you hold in the State?—A. State senator.

Q. Were you elected at the last general election, and was Mr. Joseph H. Rainey's name on your ticket for Congress?—A. Yes, to both questions.

B. H. WILLIAMS.

Sworn to before me this 12th day of April, A. D. 1877.

WM. H. DORRILL, N. P.

EXHIBIT A.

Union republican ticket.

For governor.—Daniel H. Chamberlain.
For lieutenant-governor.—Richard H. Gleaves.
For secretary of state.—Henry E. Hayne.
For comptroller-general.—Thomas C. Dunn.
For State treasurer.—Francis L. Cardoza.
For attorney-general.—Robert B. Elliott.
For superintendent of education.—J. B. Tolbert.
For adjutant and inspector general.—James Kennedy.
For Congress, first district.—Joseph H. Rainey.
For solicitor, third judicial circuit.—Samuel T. Atkinson.
Presidential electors.—At large: Chris. C. Bowen, John Winsmith.
 1st district: Thomas B. Johnson. 2d district: Timothy Hurley. 3d district: Wm. B. Nash. 4th district: Wilson Cook. 5th district: Wm. F. Myers.
For State senator.—Wm. H. Jones.
For representatives.—Robert M. Harriet, Pompey K. Kinloch.
For clerk of court.—Charles H. Sperry.
For judge of probate.—James W. Read.
For school commissioner.—Wm. C. White.
For county commissioners.—Job Mazyck, Thomas E. Rhodes, Benjamin J. Tamplet.
For sheriff.—James M. Lesesne.
For coroner.—Zebudee Small.

EXHIBIT B.

Union republican ticket.

For President.—Rutherford B. Hayes.
For Vice-President.—William A. Wheeler.
For presidential electors.—At large: Christopher C. Bowen, John Winsmith. First district: Thomas B. Johnston. Second district: Timothy Hurley. Third district: William B. Nash. Fourth district: Wilson Cook. Fifth district: William F. Myers.
For governor.—Daniel H. Chamberlain.
For lieutenant-governor.—Richard H. Gleaves.
For secretary of state.—Henry E. Hayne.

For comptroller-general.—Thomas C. Dunn.
For State treasurer.—Francis L. Cardozo.
For attorney-general.—Robert B. Elliott.
For State superintendent of education.—John R. Tolbert.
For adjutant and inspector-general.—James Kennedy.
For Forty fifth Congress, 1st district.—Joseph H. Rainey.
For solicitor, 3d circuit.—Melvin J. Hirsch.
For State senate.—Bruce H. Williams.
For house of representatives.—Charles S. Green, Pompey K. Kinloch.
For sheriff.—James M. Lesesne.
For clerk of court.—William J. Moultrie.
For judge of probate.—R. O. Bush.
For school commissioner.—Stephen B. Gipson.
For county commissioners.—J. Harvey Jones, James McGill, Joseph Bush.
For coroner.—Frank Lawrence.
 Constitutional amendment.—Yes.

EXHIBIT C.

Union republican ticket.

For President.—Samuel J. Tilden.
For Vice-President.—Thomas A. Hendricks.
For presidential electors.—At large: Theo. G. Barker, Samuel McGowan. First district: John W. Harrington. Second district: John Isaac Ingram. Third district: William Wallace. Fourth district: John B. Erwin. Fifth district: Robert Aldrich.
For governor.—Wade Hampton.
For lieutenant-governor.—W. D. Simpson.
Secretary of state.—R. M. Sims.
For comptroller-general.—Johnson Hagood.
For State treasurer.—S. L. Leaphart.
For attorney-general.—James Conner.
For State superintendent of education.—H. S. Thompson.
For adjutant and inspector-general.—E. W. Moise.
For Forty-fifth Congress, 1st district.—J. S. Richardson.
For solicitor, 3d circuit.—J. J. Dargan.
For State senator.—R. Dozier.
For house of representatives.—R. M. Collins, Henry McD. Hale.
For clerk of court.—W. F. Shaw.
For judge of probate.—C. R. Anderson.
For school commissioner.—F. W. Macusker.
For county commissioners.—Henry T. McDonald, A. J. Jackson, W. R. Beamer.
For coroner.—Sherrod Johnson.
 Constitutional amendment.—Yes.

EXHIBIT D.

Georgetown County.

For governor.—Wade Hampton.
Lieutenant-governor.—W. D. Simpson.
Secretary of state.—R. M. Sims.
Comptroller-general.—Johnson Hagood.
State treasurer.—S. L. Leaphart.
Attorney-general.—James Conner.
Superintendent of education.—H. S. Thompson.
Adjutant and inspector general.—E. W. Moise.
Congress.—First district: J. S. Richardson.
Solicitor.—Third circuit: J. J. Dargan.
State senator.—R. Dozier.
Representatives.—R. M. Collins, Henry McD. Hale.
Clerk of court.—W. F. Shaw.
Probate judge.—C. R. Anderson.
School commissioner.—F. W. Macusker.
Coroner.—Sherrod Johnson.
County commissioners.—Henry T. McDonald, A. J. Jackson, W. R. Beamer.
Constitutional amendment.—Yes.
For presidential electors.—At large: Theo. G. Barker, Samuel McGowan. First district: John W. Harrington. Second district: John Isaac Ingram. Third district: William Wallace. Fourth district: John B. Erwin. Fifth district: Robert Aldrich.

EXHIBIT E.

Georgetown County.

For senator.—Bruce H. Williams.
For representatives.—Chas. S. Green, Pompey Kinloch.
For county commissioners.—J. Harvey Lones, James G. Magill, Jos. Bush.
For clerk of court.—W. J. Moultrie.
For judge of probate.—R. O. Bush.
For school commissioner.—S. B. Gipson.
For coroner.—Frank Lawrence.
For Congress.—First district: John S. Richardson, of Sumter.
For governor.—Wade Hampton, of Richland.
For lieutenant-governor.—W. D. Simpson, of Laurens.
For secretary of state.—R. M. Sims, of York.
For attorney-general.—James Conner, of Charleston.
For comptroller-general.—Johnson Hagood, of Barnwell.
For state treasurer.—S. L. Leaphart, of Richland.
For superintendent of education.—H. S. Thompson, of Richland.
For adjutant and inspector general.—E. W. Moise, of Sumter.
For solicitor.—Third circuit: J. J. Dargan, of Sumter.
Presidential electors.—At large: Theo. G. Barker, Samuel McGowan. First district: Jno. W. Harrington. Second district: Jno. I. Ingram. Third district: William Wallace. Fourth district: John B. Erwin. Fifth district: Robert Aldrich.

EXHIBIT F.

WILLIAM VAREEN, Esq.,
Black River Geo. Town Co :

SIR: You are hereby notified that you have been appointed a manager of election for Black River precinct. Please qualify at once.

Respectfully, &c.,

JNO. A. HOWARD,
Chairman Commrs. Election.

EXHIBIT G.

[D.

GEORGETOWN, S. C., *Nov. 2d, 1876.*

I do solemnly swear that I am duly qualified according to the Constitution of the United States and of this State to exercise the duties of the office to which I have been appointed, and that I will faithfully discharge to the best of my abilities the duties thereof; that I recognize the supremacy of the Constitution and laws of the United States over the constitution and laws of any State, and that I will support, protect, and defend the Constitution of the United States, and the constitution of South Carolina as ratified by the people on the sixteenth day of April, 1868: So help me God.

WILLIAM VEREEN.

Sworn to and subscribed before me this 2d day of November, A. D. 1876.

(Signed)

R. O. BUSH, *P. J.*

C. R. A.

The three above letters, C. R. A., was put upon the original after its introduction before me in evidence.

WM. H. DORRILL,
Notary Public.

I certify that the within is a correct and true copy of the oath lodged in my office as the oath taken by William Vereen, manager of election at Brown's Ferry at the last general election, and now on file in said office, and no cross made to oath. The original was partly in printing and writing.

C. R. ANDERSON,
C. C. P. and G. S.

J. S. R.]

EXHIBIT H.

[D.

GEORGETOWN, S. C., *Nov. 1, 1876.*

I do solemnly swear that I am duly qualified according to the Constitution of the United States and of this State to exercise the duties of the office to which I have been appointed, and that I will faithfully discharge to the best of my abilities the duties thereof; that I recognize the Constitution and laws of the United States over the constitution and laws of any State, and that I will support, protect, and defend the Constitution of the United States, and the constitution of South Carolina

as ratified by the people on the sixteenth day of April, 1868: So help me God.

BENJ. RICHARDSON.

Sworn to and subscribed before me this 1 day of November, A. D. 1876.

J. HARNEY JONES, *T. J.*

Filed on 9th November, 1876.

(Signed)

C. R. ANDERSON, *C. C. P.*

I certify that the within is a true and correct copy of an oath filed in my office as above as the oath of Benj'n Richardson, late manager of election for Brown's Ferry poll at the last general election for Georgetown County, the original signature being in red ink, as this is. The original is partly printed and partly written.

C. R. ANDERSON,
C. C. P. and G. S.

THE STATE OF SOUTH CAROLINA,

The County of Georgetown :

I, William H. Dorrill, notary public in and for the State aforesaid, do hereby certify that, in pursuance of the notices duly given and served upon the contestant and his attorney, respectively—one dated 19th March, 1877, and the other dated 24 of March, A. D. 1877—in the case of John S. Richardson, contesting the seat of Joseph H. Rainey, return member of the Forty-fifth Congress of the United States of America from the first congressional district of South Carolina, the above testimony, consisting of 215 pages, was duly taken in behalf of said contestee, appearing by his counsel, Samuel T. Atkinson, esq., and the said contestant, by R. Dozier, esq., his attorney; that all the within-named witnesses were duly sworn by me, and testified before me as above written, which said testimony was written by me as deposed by said witnesses and subscribed to by them, and each of them, respectively, as appears by their and each of their respective signatures or marks at the end of their and each of their respective depositions. I do further testify that I have attached thereto Exhibits A, B, C, D, E, F, G, and H. I further testify that I have prefixed thereto the notice of contest and answer of the contestee made in the above-entitled cause, dated, respectively, December 16, 1876, and January 6, 1877, and attached notices aforesaid, with proof of service and the subpoena writ.

In testimony whereof I have hereunto set my hand and official seal, at Georgetown, in the county of Georgetown, and State of South Carolina, this 12th day of April, A. D. 1877.

[SEAL.]

WM. H. DORRILL, *N. P.*

DEPOSITIONS TAKEN AT DARLINGTON, S. C.

UNITED STATES OF AMERICA,

State of South Carolina :

JOHN S. RICHARDSON, CONTESTANT,

vs.

JOSEPH H. RAINEY, CONTESTEE.

} Contested congressional election,
first congressional district.

To Col. J. S. RICHARDSON :

You will please take notice that on the 3d day of April next, at Darlington court-house, in the county of Darlington, in said State, before Frank

F. Teicher, esq., notary public of said State, the following-named persons will be examined, all residents of said county, their depositions to be used on behalf of the contestee in above-stated case on the hearing of same by Congress; said examination to continue from day to day till all are examined, to wit: Jordan Lang, J. A. Smith, John Lunney, S. J. Keith, Titus Gadsden, A. S. Smith, Robert Lunney, T. B. Gordon, J. P. Brockington, James Hamilton, L. Kaulkner, Z. W. Wines, L. Aiken, H. M. K. Dargan, Alfred Hart, L. L. Hunter, R. H. Vann, Peter Johnson, H. J. Keith, M. Lever, James Richardson, Simon Scott, Robert Williams, H. D. Poole, Nero Coleman, Julius Waddell, Thomas Weatherly, Thomas McIntosh, Solomon Bostick, D. Alford, Dick Smith, Jack Robinson, Thomas Postell.

J. H. RAINEY,
Per D. D. McCOLL,
Attorney.

MARCH 28, 1877.

UNITED STATES OF AMERICA,
State of South Carolina, first congressional district:

JOHN S. RICHARDSON, CONTESTANT, }
vs. }
JOSEPH H. RAINEY, CONTESTEE.

The contestant, John S. Richardson, or his attorney, will take notice that at Darlington Court-House, in the county of Darlington, in the State aforesaid, before F. F. Teicher, notary public, the contestee will examine and take the depositions of Isaac Rafra, Jarrott Hill, Joshua Daniels, Stephen Jett, Benjamin Jackson, Wesley Davis, Edwin Jackson, and Paul Whipple, to be used before Congress on the hearing of the above-stated case, all residents of said county; said examination to continue from day to day, commencing at 9 o'clock on the 9th instant.

D. D. McCOLL,
Attorney for Contestee.

MARCH 6, 1877.

JOHN S. RICHARDSON, CONTESTANT, }
vs. } Contested election, first congressional district.
JOSEPH H. RAINEY, CONTESTEE.

The contestant, or his attorney, will please take notice that in addition to witnesses heretofore mentioned, the contestee will examine before F. F. Teicher, esq., notary public, at Darlington Court-House, in Darlington County, in the State of South Carolina, C. K. Rogers, esq., A. Baruch, and E. H. Deas, citizens of said county, on the 7th instant.

D. D. McCOLL,
Attorney for Contestee.

APRIL 4, 1877.

UNITED STATES OF AMERICA,
State of South Carolina, first congressional district:

JOHN S. RICHARDSON, CONTESTANT, }
vs. } Contested congressional election.
JOSEPH H. RAINEY, CONTESTEE.

Testimony taken before F. F. Teicher, notary public, of said State, at Darlington Court-House, in the county of Darlington, on this the 3d day of April, 1877, in accordance with notice hereto attached, on behalf of the contestee.

JOURDAN LANG sworn.

Question. Are you a resident of the county of Darlington, State of South Carolina; and, if so, how long have you been?—Answer. I am, and have been for thirty-five years.

Q. Have you been in the county during the last election, and the few months preceding?—A. I have and was.

Q. What position in the republican party did you occupy during and previous to the election of November 7, 1877?—A. I was precinct chairman of Darlington precinct.

Q. How many townships constitute your precinct?—A. Three precincts.

Q. Were you present at any of the voting-places in your precinct on election-day?—A. I was at Darlington voting-place, at which place there was two boxes.

Q. Were you present at any other place, and at which did you vote?—A. I was, and voted at No. 2.

Q. At or about what time did you vote at No. 2 that day?—A. About 10 o'clock a. m.

Q. At the time you voted at box No. 2 was there not a crowd of people preventing the access of any voter to the poll?—A. A large crowd was there, but did not prevent anybody from voting freely as they pleased.

Q. Was there, or not, any force or intimidation at the polls at the time you were there, preventing the free exercise of voting by any man?—A. None that I seen. Every man had a right to vote as he pleased; every man seemed to be rejoiced or pleased; there was no intimidation; every man voted just as he pleased.

Q. What public position have you held since the war in this county?—A. I was a member of the constitutional convention in 1868; after its adoption, a member of the legislature four years.

Q. Have you or not been up to the present time an active member of the republican party?—A. I have been since reconstruction.

Q. Were you an active member of the republican party and an officer thereof in August and September, 1876, and for six months preceding?—A. I was.

Q. Did you know, of your own knowledge, of a republican meeting to be held in Timmons ville in the latter part of August or the first part of September, 1876?—A. There were two meetings there.

Q. Did you or not have any notice that a public meeting was to take place at Timmons ville in the latter part of August or the first part of September, 1876?—A. I know that there were two public meetings, but I cannot remember the date.

Q. Were you present at the first meeting held at Timmons ville?—A. I was present at the first meeting.

Q. State what occurred at Timmons ville.—A. I was at the meeting at Timmons ville. A platform was erected by republicans and democrats. After the republicans from Darlington got there they split, because it was reported that there would be a fuss, a fight on that day, or confusion, in case that the republicans refused to have a joint discussion. The republicans withdrew from the stand, gave it up to the democrats, and removed to about a half of a mile from there. After we had removed, a committee came from the democrats requesting a joint discussion, which was refused. A committee of five democrats were then sent to listen at the discussion of the republicans. I was chairman of the republican meeting after they withdrew from their former place of meeting. After that they sent a committee to ask if they all could come to

attend our meeting; this was also granted. As chairman of the meeting I know that this request was granted. They came down mounted; about four or five hundred, mounted and well armed. Our meeting adjourned about half of an hour after they got there. Mr. Richardson came with them. I was requested to induce Mr. Richardson to speak, but declined, not having any time, having long ways to go; but a considerable crowd remained, but not long enough for Mr. Richardson to speak, who did not speak.

Q. What time did that meeting take place at Timmons ville?—A. About between eleven and twelve o'clock.

Q. At about what hour in the day did the meeting adjourn?—A. About four o'clock in the afternoon.

Q. Previous to this meeting had you heard, and was it a matter of common notoriety among the colored people of this county or your neighborhood, that there would be disturbance and possibly bloodshed if the republicans attempted to hold a public meeting at Timmons ville?

(Objected to as leading, and because it calls for hearsay testimony.)

A. It was reported two days before the meeting took place.

Q. Was there or not any threats made to you by any persons, or to any other persons which came to your knowledge, as against you, for your intended presence at that meeting, of, or for your course or action in the campaign of 1876?

(So much of question is objected to as calls for hearsay.)

A. Yes; notices reached me from Darlington and Timmons ville three or four days after the meeting that parties were coming for the purpose of hanging me, and I raised a force to protect myself, but nobody came.

(Objected to as hearsay.)

After that Dr. Blackwell told me that he came within a half of a mile within my house, with thirteen men, on the night when the buildings on the fair-grounds were burned, attracted by the light, as he said. This was the same night rumors reached me that I would be hung.

(Objected to as hearsay.)

Q. Do you remember what time the fair-grounds were burned? Was it before or after the election?—A. Before the election.

Q. Have you or not heard, and was it or not a matter of common notoriety in the community where you live, that rifle-clubs, grangers, or farmers' leagues, or democratic clubs have passed resolutions and publicly announced the same, that they, the members thereof, would not lease land, make advances, or give credit to any colored man who, in the election of November 7, 1876, should vote against the land-owners or property-holders in the county of Darlington, State of South Carolina?—A. I heard this; it was a common report.

Q. Do you or do you not know of any parties who have been refused lands or credit on that account?—A. I have.

(Objected to the answer as being immaterial and based upon hearsay.)

Q. About how many United States troops were stationed at Darlington Court-House during the election?—A. I did not see any here during the day of election.

Q. What effect did the presence of United States troops in this county have upon the colored voters?—A. I believe it had no effect upon any voters on either side.

(Objected to as opinion.)

Q. Was it not reported that rifle-clubs were organized throughout this county previous to the election?—A. It was.

(Objected to as hearsay.)

Q. What effect upon the minds of the colored voters did the forma-

tion of the rifle-clubs have? Were they apprehensive of trouble?—A. They were apprehensive of trouble.

Q. Did you see any armed white men in bodies riding past your house previous to the election?—A. I did.

Q. Did you learn their object for doing so?—A. To carry the election by frightening people; they had me scared.

Q. Were colored men who voted the democratic ticket molested for voting it?—A. I don't know of any.

Q. Who was the deputy marshal at poll No. 2, where you were at?—A. I think Larry Aiken was.

Q. Did you see Larry Aiken or any other marshal do anything to intimidate or influence voters to vote any particular ticket?—A. I did not.

Q. Please state what the marshals did that day?—A. I did not see them in any business.

Q. Were any armed militia in the county?—A. Two companies; one at Timmons ville and one here, and used to drill some four or five years ago; don't know whether they were disbanded or not.

Q. In your opinion, did not the apprehension of violence from these rifle-clubs, and the threats of non-employment to those who voted the republican ticket, cause many colored voters, who desired to vote the republican ticket, either to vote the democratic ticket or to stay at home?

(Objected to as calling for an expression of opinion.)

A. Threats of non-employment caused a loss of six hundred votes in this county to the republicans.

(Objected to as opinion.)

Q. About what has been the usual republican majority in Darlington County?—A. About fourteen or fifteen hundred majority.

Q. What was it in the last election?—A. About five hundred and fifty.

Cross-examined by Mr. —.

Q. Was not the aggregate vote at the last election much larger than usual?

(Objected to.)

A. It was.

Q. Was the republican vote larger than usual?—A. It was not.

Q. Were not the democrats more thoroughly aroused and more active than they had been in any previous political campaign?—A. I believe they were.

Q. Had the democrats, as a party, at any election since 1868, put forward a strictly party ticket?—A. They did in 1868; I can't say as to a straight ticket since that time, but they have warmly supported such ticket as they had in the field.

Q. Did not the names of republicans appear upon every democratic ticket put forward in this county between 1868 and the last election?—A. I don't remember.

Q. What candidate for governor was supported by the democrats in 1870?—A. R. R. Carpenter for governor, and M. C. Butler for lieutenant-governor. In 1872 Reuben Tomlinson for governor; in 1874 supported John T. Green for governor.

Q. Was it, or was it not, a fact that all the candidates for governor were identified with the republican party?—A. They were.

Q. How do you know that the land-pledge kept 600 colored men from voting the republican ticket?—A. I know from the large body of colored men that complained to me that they would have to vote democratic in order to keep their homes.

Q. How many colored men voted the democratic ticket during the last campaign?—A. I don't know; but believe a great many did.

Q. Did you or not see a company of colored men armed with muskets or rifles in the republican procession, at Darlington, on the occasion when the republican voters were addressed by Mr. Rainey?—A. I did, and saw just such as we were in the habit of having in this place to keep the peace.

Q. You stated, in your direct examination, that you saw armed bodies of white men ride by your house; state how they were armed.—A. With guns.

Q. Did you see them molest anybody?—A. I did not.

Q. On the day of the meeting at Timmons ville, were there or not colored men present under arms?—A. There were, at the meeting already referred to.

Q. State how many.—A. I don't know.

Q. Can you approximate the number?—A. I cannot.

Q. How can you say that there were four or five hundred democrats were armed at that meeting?—A. I estimated them from the stand, seeing them in line in the road.

Q. How many colored men received arms from your premises on that day?—A. None.

Q. How many armed men proceeded from your house to Timmons ville that day?—A. I don't know.

Q. Why did the republican leaders seek to prevent the voters from hearing the democratic leaders?—A. I don't know that any objections were made on the part of the leaders from attending democratic meetings or speakers.

Q. Did you attend any democratic meetings or speaking during the campaign?—A. I did not.

Q. Why were the democrats denied the right to speak at your meeting?—A. They were not denied the right to speak at my meetings.

Q. Why were they so denied at republican meetings?—A. I do not know.

Q. Did you frequently address the colored people during the late campaign?—A. No as much as usual.

Q. Did you say anything in your speeches about the presence of United States troops?—A. Not that I recollect.

Q. What use, if any, did you make of the proclamation of the President of the United States threatening the introduction of troops?—A. None that I recollect.

Q. Was your political party at all times during the late election sanguine of success?—A. We were.

Q. Were they not more sanguine shortly before the election?—A. I don't know, but we were disappointed in the small majority.

Q. Was it not a fact that colored men who professed sympathy for the democratic party were threatened with violence?—A. None that I know of or heard of.

Q. At how many political meetings during the last campaign were you present?—A. Two at Timmons ville, one at Darlington, when Mr. Rainey spoke, and one at Florence.

Q. After it became rumored that the democrats would not rent lands or extend credit to those who voted the radical ticket, were or were not the people at your meetings taught not to pay any attention to such threats?—A. I told the people they were dangerous threats.

Redirect:

Q. You say that there were some colored men in the procession on

the day of the republican mass-meeting with arms. Did they interfere with anybody in any way?—A. They did not.

Q. Did the republicans in this county interfere with democratic meetings or attempt to break them up?—A. They did not.

Q. How many republican meetings were you at that were broken up by democrats?—A. At Timmons ville the republicans moved, but the meeting was not broken up.

Q. The horsemen of the democrats, were they dressed in a special uniform?

(Objected to, not being in reply.)

A. They wore red shirts and red bands around their hats.

Q. In the election in 1874, and also in 1870, was not the contest warm in this county?—A. They were.

Q. The democrats, during that time, did they not have county tickets in the field?—A. Cannot remember; but they turned out and voted strongly.

Q. During the last campaign, from the threats you heard, and from the excitement and violence threatened, was it not anticipated that you would have trouble, collision at any minute?

(Objected to as leading and not in reply.)

A. Expected trouble and collision at any moment.

JOURDAN ^{his} + LANG.
mark.

Sworn to and subscribed to before me this 3d day of April, 1877.

[SEAL.]

FRANK F. TEICHER,

Notary Public.

LARRY AIKEN sworn.

Question. Were you in the county during the last campaign?—Answer. I was, and have been here for over twelve years.

Q. During the past four years have you not acted as a deputy for the sheriff and are you not familiar with all parts of the county?—A. I was, and am acquainted with the whole county.

Q. Is not the population of this county largely colored and the voters largely republican?—A. They are.

Q. During the last campaign, do you know whether the democrats organized rifle-clubs in this county?—A. I do; saw one company drilling in the town of Darlington.

Q. Was the campaign, on the part of the democrats in this county, conducted peaceably, or with a great show of violence?—A. They expected to carry the election with violence, and did appear that they intended to carry the election by storm. The very day a colored man was shot, on the day General Hampton spoke, and I, as town marshal, arrested the man and put him in the guard-house, and just after that up came the whole Hampton Cavalry and run another colored man in the gate with pistols pointed at him, and the man was taken out of the guard-house and released, his fine being paid. At Timmons ville I attended both republican meetings. At the first one I saw about five hundred armed democrats with rifles and bayonets, and we moved from the first place we occupied on account of threats. A joint platform was built by democrats and republicans, and on the day the republicans held their meeting they withdrew from the platform on account of threats. We went away a half a mile and held our meeting. Mr. Whittemore was speaking. Two democrats cocked their guns to shoot him, and they did not shoot him, because my men were there and cocked their guns at them.

Q. On the day the republicans held that meeting at Timmons ville,

was it not called as a republican meeting; and were the democrats invited to attend and speak?—A. It was called as a republican meeting, and the democrats were not invited.

Q. Did not the republicans move that day from their stand, from the threats the democrats made to take part of the time?

(Objected to as suggesting answer.)

A. They did.

Q. After you moved from the stand, which you say that the democrats had helped to build some time before then, what became of the democratic cavalry?—A. They came up to where we had our meeting.

Q. Did they not during the whole time remain in ranks?

(Objected to as suggesting answer.)

A. They came up in ranks and remained in ranks.

Q. The second republican meeting at Timmons ville was held on what day?—A. It was Saturday before the election; on Wednesday the democrats had a large meeting at the court-house.

Q. Did not a large procession of democrats come from Timmons ville to Darlington on that morning?—A. They did.

Q. Were not many republicans that attended the last meeting at Timmons ville from the court-house?—A. They were.

Q. Were not the republicans that were from the court-house threatened with being shot by the democratic procession from Timmons ville, as they were coming home?

(Objected to as leading.)

A. They were; we were, and we waited in Timmons ville until the democratic procession returned, in consequence of these threats.

Q. After they had returned to Timmons ville, and found the republicans there, did they not make threats and demonstrations of violence there?—A. They did.

Q. On Hampton's day, in the town of Darlington, about how many armed white mounted men were in the procession?—A. About four hundred armed men on horseback.

Q. Do you know anything as to whether the rifle-club you mentioned of being in the town had rifles or not?—A. I know there were rifles here, brought in boxes from the depot by the democrats, and stored in different houses.

Q. Did you hear any threats during the campaign from land-owners as to non-employment, &c., to colored people for voting the republican ticket?—A. I did, a heap of them. I, for myself, was turned out for voting the republican ticket.

Q. Did these threats of turning off those who voted the republican ticket, and the violence exhibited during the campaign by the rifle club, cause many republicans to vote with the democrats against their wishes?

(Objected to as leading, and as calling for expression of opinion.)

A. It did, and kept many others from voting; some of them I know by name.

Q. On the day of election at what poll were you, and in what capacity?—A. I was acting as United States deputy marshal, at poll No. 2.

Q. As marshal, what duties did you perform?—A. I had printed instructions, and saw that nobody was forced to vote, and saw that everybody voted as they pleased.

Q. Did you, on that day, in any way attempt to interfere with every person's voting as they pleased?—A. I did not; at poll No. 2 some women were looking out of the window and attempted to prevent a colored man from voting the democratic ticket, by telling him that he should not come to their house any more, and that they would not give him

anything to eat. I made them shut the window, and have nothing further to do with the voter.

Q. It is charged that the deputy marshals in this county were republican partisans; what have you got to say for yourself?—A. I deny that, and I never made a speech during the canvass, or in my life, and am no politician, and never ran for an office.

Q. Do you know whether the colored people wishing to vote the democratic ticket could do so unmolested?—A. They could unmolested.

Q. About how many United States soldiers were in the town of Darlington during the election?—A. About eight or ten.

Q. How long were they here before the election?—A. They came the day before the election.

Q. How far were they from the polls?—A. About a quarter of a mile.

Q. How came those threats here?—A. The polls were threatened to be torn up by the democrats.

Q. During the day of election, did the troops stay in their quarters?—A. They did.

Q. What effect did the presence of the troops have upon the colored voters in the county?—A. None whatever. Every man could vote as he desired.

Q. Previous to the coming of the troops, were not the colored people apprehensive of trouble and collision?—A. We were apprehensive of trouble and collision.

Cross-examination:

Q. Do you know of any other democratic rifle-club except Captain Floyd's?—A. I do; all over the county.

Q. How do you know?—A. As a deputy sheriff, I saw them drilling in different sections of the county.

Q. Please state where?—A. At Ebenezer, at Palmetto, and near Black Creek church.

Q. Who did you see at Ebenezer?—A. I don't know.

Q. Who at Palmetto?—A. Don't know any?

Q. Who at Black Creek?—A. Don't know any.

Q. How do you know they are democrats?—A. Because they were white.

Q. How were they armed?—A. With guns.

Q. Can you say that the colored man shot by the white man on Hampton's Day at Darlington was fired upon on account of his politics?—A. I cannot.

Q. Was the man who was arrested for the shooting drunk?—A. No.

Q. Was the authority of the marshal interfered with?—A. It was. This man was taken from him by the Hampton cavalry and carried to the speaking.

Q. You have stated in your direct examination that this man's fine was paid and he was released. You now say that he was forcibly taken from the custody of the marshal. Explain the matter.—A. As soon as the Hampton cavalry found out this man was arrested they came and took him away, and Colonel Law had him put back in the possession of the town council.

Q. You have said that 500 armed men, democrats, were at Timmons ville. How many armed republicans were at Timmons ville?—A. About two or three hundred.

Q. You stated that the republicans withdrew on account of threats. What threats were made, and by whom?—A. Mr. Ward told me in town that the democrats would carry all the guns they could get, and advised us to do the same. Know of no others.

Q. Do you say that the republicans withdrew on account of what Mr. Ward said in your hearing at Darlington?—A. We withdrew in consequence of what we saw in Timmons ville.

Q. Did you see any violence in Timmons ville?—A. We did not; saw only the arms.

Q. Name the two men who presented their guns to Mr. Whittemore.—A. R. B. Hennegan was one; the other I do not know.

Q. On Saturday before the election you say that the republicans on their way to Timmons ville were threatened by the democrats on their way to Darlington. What threats were used, and by whom made?—

A. The name of the person I do not know. I was present when Mr. Whittemore was insulted and threatened to be killed, either in Timmons ville that day or the night while returning.

Q. Were threats employed by republicans against democrats?—The democrats done all the cursing.

Q. Was anybody frightened or hurt?—A. Nobody frightened nor hurt. Run against a wagon and broke a wheel, and cursed a man after he done it.

Q. At what time did the republican procession leave Timmons ville for Darlington?—A. Long after dark.

Q. Do you say you were kept there long after dark through fear of the democrats?—A. I do.

Q. How many armed men were in the republican procession?—A. We were all armed with small-arms.

Q. By how many did the republicans outnumber the procession of democrats?—A. By two to three hundred did the democrats outnumber us.

Q. What time of night did you come into Darlington?—A. Nine or ten o'clock that night.

Q. Was it fear of the democrats which caused your procession to ride into the town of Darlington whooping and yelling and discharging your fire-arms?—A. I say, on oath, that no fire-arms were discharged that night in town by the procession. I stopped on the outskirts of the town.

Q. How many boxes of arms did you see brought from the depot for the use of the democrats?—A. I did not see any.

Q. Can you say, on oath, that you saw any arms brought from the depot for the use of the democrats?—A. I cannot; but they had arms.

Q. At what localities in this town were arms kept by the democrats?—A. I saw the arms, but where they got them from I don't know.

Q. Were you not an officer of Captain Keel's company?—A. I was a first lieutenant.

Q. How is your company armed?—A. With State arms—Remington's breech-loaders.

Q. Did your company, or any part of it, appear under arms at any time during the political campaign of last fall?—A. One day, when Mr. Rainey spoke, as an escort for the republican speakers.

Q. From whom did the officers of this company hold their commissions?—A. From ex-Governor Scott.

Q. Where did they procure their arms?—A. From the State of South Carolina. Did not receive any ammunition from the State authorities since the organization, or at any other time since the arms were furnished.

Q. By whose orders, and for what purpose, were a portion of the arms of your company deposited in the jail at this precinct the day before the

election?—A. By order of Mr. Whittemore, the chief deputy United States marshal, for the security of the poll.

Q. Why were they so deposited secretly and at night?—A. It was not done secretly, at night; it was done very late in the afternoon, because the poll was threatened to be broken up.

Q. Did you hear any threats made?—A. I did not.

Q. You said in your direct examination that you lost your place because of your politics. Is it not a fact that the place referred to was resigned by you voluntarily?—A. Yes; I was to be put out, and I resigned from intimations received.

Q. You have stated in your direct examination that many colored men were forced to vote the democratic ticket, and others induced to refrain from voting by reason of the land pledge. Name any man who so voted or so refrained from voting.—A. I know their faces, but don't know their names.

Q. Can you say on your oath of your knowledge that any colored man was deterred from voting as he wished by reason of said pledge?—A. Samuel F. Jackson, Joe Thompson, Bill Junior, and many others—don't know their names.

Q. How many colored men voted the democratic ticket at this precinct?—A. Over two hundred, to my own knowledge. In the county, I mean. As far as the precinct is concerned, about six at this poll voted the democratic ticket, that I know of.

Q. Did you or not on election day open and examine tickets held by colored men?—A. I did not; it was not my business.

Q. Did you see anybody else do it?—A. I did not.

Q. Did you hear anybody damn the democrats on that day?—A. I did not.

Q. You have said that prior to the introduction of United States troops the colored voters were apprehensive of violence at the polls. What effect had their coming in reassuring the colored voters?—A. None whatever.

Redirect:

Q. On the day of election did you see any of the rifle-clubs at or near the poll, marching through the town?

(Objected to, not being in reply.)

A. I saw fifty or sixty marching through the town on the day of election, dressed in red shirts, with a red flannel around their hats, about 4 or 5 o'clock in the evening.

Q. On the day before the election, or for two or three days previously, did you see any red-shirted procession marching about?

(Objected to, as not being in reply.)

A. I did not see any myself, but heard of them.

LARRY AIKEN.

Sworn to and subscribed to before me, this 3d day of April, 1877.

[SEAL.]

FRANK F. TEICHER,

Notary Public.

ALFRED S. SMITH sworn.

Question. State your residence and age.—Answer. I live in the town of Darlington; am twenty-five years old.

Q. Were you here during the last election?—A. I was, and in the

county during the campaign, and on the day of election supervisor at Lydia.

Q. During the canvass of 1876, did you not take an active part in it?—A. I did.

Q. During that canvass did you not have occasion to visit the various precincts in the county?—A. I did.

Q. Whether or not, in that way, you became familiar with the feeling and sympathies of the colored people of the county of Darlington?

(Objected to as leading.)

A. I did become acquainted with the people generally, by having had conversation with the people before and during the canvass.

Q. During the campaign in this county was the canvass conducted by the democrats peaceably and quietly, or was it conducted with a great show of violence?—A. With a great show of violence.

Q. Can you mention some demonstrations and incidents that would indicate a show of violence?—A. At Timmons ville, at the first meeting of the campaign, there were about four to five hundred democrats met at Timmons ville for a joint discussion, having heard that the republicans intended to have a meeting there that day. At first the republicans of Darlington went to Timmons ville and found that a stand was erected between the democrats and republicans. After waiting there for a little while republicans concluded, by seeing so many armed men come into Timmons ville, there would be certainly a row should the republicans attempt to have a joint discussion. On that account the republicans withdrew a half of a mile and held their meeting. About 12 o'clock the meeting was called to order, Jourdan Lang, chairman. After several speakers had spoken, the democrats sent a committee of five to ask for a division of the time, which offer was brought before the people and voted down. The committee then returned to the democratic stand and another one was sent to ask whether the democrats might come and listen to the speeches. This request was granted. The committee returned, and in about one-quarter of an hour about four to five hundred democrats, armed with rifles, shot-guns, and pistols, mounted and, partly on foot, marched up to where we had our meeting. One man had twelve pistols. After the democrats got near our stand they formed a semicircle. A good many commenced asking questions, interrupting the speaker. At that time B. F. Whittemore got up on the stand, and he was insulted. Good many asked him, "Hog, where is that forty-four hundred dollars that you grabbed from this county?" Whittemore did not reply, and I saw Mr. Hennegan point a rifle at him, and Pawley told him not to shoot him. Hennegan replied that we did come down to shoot. I stepped off a little piece, and stood near the man who had the twelve pistols, who said, "I've lost the best chance I ever had to kill the damned hog Whittemore." About that time the chairman announced the meeting adjourned, and said that any one wished to stay to hear Mr. Richardson could do so. I was about the last to leave for Darlington. A few of the republicans staid at the stand, but the greater portion of the republicans left, owing to the fear of being shot down.

Q. The democrats that were armed with shot-guns, &c., how were they dressed?—A. They had not any uniforms that time.

Q. Was not the meeting you speak of at Timmons ville the first republican meeting during the campaign?—A. It was the first republican meeting in this county.

Q. Complaint is made that when the republicans had a demonstration in the town of Darlington, on the 9th day of October, 1876, Mr. Rich-

ardson was present, and not allowed to speak. How is this? Please explain.—A. I know that Mr. Richardson was to be there, but I cannot say whether he came or not. The republicans had refused and did not have a joint discussion in the county. As a general thing, speakers from abroad, invited by republicans, occupied the entire time, and not always having time enough.

Q. Did you see any riding by men in uniform during the campaign?—A. I seen about 2,100 mounted men, in red shirts, with pistols around them, in the town of Darlington, on Hampton's day, the pistols being buckled on the outside. I don't mean to say that all were uniformed red, but had some kind of a uniform. I was at the stand when General Hampton spoke. While Mr. Richardson, of Sumter, was speaking, a report came to the stand that the colored people and the rifle-clubs were fighting down town. I saw at that time the rifle-clubs formed a circle around the stand, got on their horses, and many of them got guns from buggies; came to town, saying that we are ready for anything; among the men coming from the stand were Preacher Hart. When they came down, the marshal had Sidney Kelly, a white democrat, put in the guard-house for shooting Furman Brown. When they came, a company of cavalry from the stand rode up in front of the guard-house, cocked their guns, and demanded the prisoner. The prisoner jumped on a horse behind one of the men and went to the Hampton stand. On the day of election I was at Lydia, and nearly every white man come to vote was dressed in a red shirt, red band on his hat, and a great many with pistols buckled on the outside; and a man with name of Stephan Woodruff drew and cocked his pistol on me; he was forcing two or three colored men up to the polls to vote, and I remarked to leave the men untrammelled, they could vote as they pleased and get their tickets from whom they pleased. He cursed me, saying he would blow out my brains—"these men are living on my plantation." I was one of the supervisors at that poll. Simeon Perry, another democrat, brought four colored men to the polls and marked their tickets in order to find out from the democratic managers whether these men voted the democratic ticket. A colored man came up to vote at the poll and asked for a republican ticket, and Sydney Kelly told him, "Here is a democratic ticket;" he refused to take it, and a republican came up with republican tickets in his hands and offered one to this voter, which he took and voted. After leaving the box, the same man offered him the democratic ticket asked him who he voted for, and he said, "Of course I voted for Chamberlain and Hayes," and Sydney Kelly struck him in the mouth. When the counting of the votes began, O. D. Lee exhibited his list he had of colored voters in order to find out how they voted by comparing his list with the marked tickets given colored people to vote by democrats. Simeon Perry said "Four damn niggers deceived me, for they did not vote the tickets I marked for them." He then said, "They have lost their best friend by telling me a lie."

Q. Did you see the rifle-clubs or persons dressed in red shirts riding through the county shortly before the election?—A. I did see them before the election drilling at the academy, and night after night in town; saw them at Wilson's Cross Roads drilling; also, at Dr. Flynn's place; also, at Fraser's place.

Q. How many militia companies were in this county?—A. I think two or three.

Q. These companies were organized under the State government?—A. They were; I have seen Keith's commission from General Scott.

Q. Did not the land-owners of Darlington County try to prevent colored

people from voting the republican ticket by threats of not renting them lands, or not to give them supplies, &c.?—A. They did; I heard at several meetings speeches to that effect from the democrats, and heard the land-owners say so that they would not rent lands to any one that voted the republican ticket.

Q. What effect did the show of violence exhibited by the democrats during the campaign have upon the colored people?—A. It did cause a good many men to vote the democratic ticket who were republicans at heart.

Q. What effect did the new renting of land have upon colored people?—A. It kept a good many at home from voting, and it caused many others to vote democratic.

Q. About how many soldiers were at Timmons ville during the election?—A. About fifty-three.

Q. Did not more colored men, in proportion to the number of colored men voting at Timmons ville precinct, vote the democratic ticket there than at any other poll in this county?—A. There did more colored men vote there than at any poll in the county.

Q. Don't you know that more troops were at that poll than any other in the county?—A. I do.

Q. What effect did the presence of troops have upon colored voters in the county?—A. I can say that the presence of troops had no better effect for the democrats than for the republicans, and did not cause a person to vote republican who did not wish to do so.

Q. Previous to the coming of the troops into this county, were not the colored people apprehensive of bloodshed and violence at the polls?—A. They were, and this was the reason why the troops came.

Cross-examination :

Q. Had you not very recently, previous to the election, just come out of the South Carolina University, at Columbia, where you had been getting your education?—A. I came from Columbia to Darlington on the last of May.

Q. Had you much acquaintance with the people of Darlington, in a public way?—A. I did.

Q. How did you get that acquaintance?—A. Through the newspapers and the representatives of the county, up to the time I left the university. I have also visited different portions of the county during the canvass.

Q. Were you a candidate for office during the last canvass?—A. I was not.

Q. How many public meetings did you attend?—A. I attended all the republican meetings held.

Q. How many speeches did you make during the campaign?—A. A good many.

Q. You say that the campaign of the democrats was conducted with great show of violence. What else can you specify in regard to the instances above mentioned?—A. I can specify that at Florence the republicans had a meeting, and there was show of violence there on the part of the democrats. Questions were asked by the democrats, who congregated together, and they actually said that the republicans should not speak there that day. J. H. Pawley said so; heard no one else.

Q. How many republicans were present at that meeting?—A. I did not count them, but I suppose about 1,500 or 1,800.

Q. How many democrats were present?—A. I cannot tell exactly, but suppose about 500 or 600 democrats were at Florence.

Q. Do you think there were as many as 20 at the meeting?—A. I cannot say, but I think there was about 100 or 150 around the stand.

Q. Was there any attempt that day, on the part of the democrats, to prevent the republicans from speaking?—A. There was an attempt. Pawley told Whittemore he had better go home; he was tired of hearing him.

Q. Was there any other attempt to prevent persons from speaking there that day?—A. I did not hear of any other.

Q. Did Mr. Whittemore quit speaking?—A. He did not.

Q. Did any other republican speakers speak after Mr. Whittemore?—A. I left while Mr. Whittemore was speaking; don't know about other speakers afterward.

Q. Had any one spoken previous to Mr. Whittemore speaking?—A. I think not, except the chairman of the meeting.

Q. Don't you know that several speeches were made there that day, and that the meeting passed off without any trouble?—A. I don't know of anything else except what I stated.

Q. Can you specify any other instances of show of violence except the ones you have already stated?—A. At the second meeting in Timmons-ville we met rifle-clubs and men on horseback with rifles strapped around their backs coming to Darlington; when we got on the other side, six or seven miles from Darlington, we met those men. They cursed Whittemore and Sam Keith. Mr. Morris, the leader, came up and apologized by saying that he did not wish for his men to insult anybody. On arriving in Timmons-ville we found a stand erected. An hour afterward the speaking began, and we did not have any trouble during the meeting at all; had a torchlight procession and started for home; and just coming out of Timmons-ville met the same men, who stopped in the road to prevent us from coming out, and drew their guns and pistols and had on red shirts. I heard a good many of them say they intended to have Hampton and reform, and not a negro should rent a piece of their land. We had, in order to avoid a collision, to take the ditch. Captain Whipper, in charge of the torchlight procession, then requested that they either give away or move, and they would not do either. We went across the ditch over in the woods, and then the red-shirt men went on home without any trouble.

Q. You know that a large democratic meeting was held at Darlington that day, and that distinguished speakers were to address the meeting?—A. I do not know, and did not hear; we met them going to Darlington, and on our way returning.

Q. How many men did you meet that morning and in the evening wearing red shirts?—A. About 200 or 300.

Q. Can you specify any other show of violence except the ones mentioned?—A. I can't name any others just now.

Q. You say there were about 400 or 500 democrats there that day; how many republicans were there on that day?—A. About 200 or 300 were present.

Q. How many guns did you see in the party you met returning from Timmons-ville to Darlington the second time, at Timmons-ville?—A. About 35 of the party had improved guns and repeaters.

Q. Was not this on the Saturday previous to the election, November 4, 1876; was this not a good while after Chamberlain's proclamation disbanding the rifle-clubs and demonstration of arms?—A. It was.

Q. Don't you know that after that proclamation no armed body were seen anywhere?—A. They did not regard the proclamation any more.

than they did the dirt out on the street, and they displayed guns after that, and had them on the 4th of November.

Q. Who can you name had guns on that day strapped across their shoulders?—A. The Timmons-ville rifle-club; cannot call the names of a man who had guns strapped across their shoulders.

Q. Call the names of some of the members of the rifle-clubs present that day?—A. Mr. Henry Morris, L. R. Ragsdale; cannot call any other names; Dr. Samuel Blackwell, Griffin Hoanman, Henry Perry.

Q. At the first Timmons-ville meeting you speak of, how many guns did you see in the hands of the democrats?—A. Almost every man there had a gun, and those that did not had pistols in sight.

Q. How many guns did you see in the hands of the republicans?—A. I saw the militia company; about 80 had guns.

Q. Which meeting did they attend that day?—A. The republican.

Q. Were they not all colored men?—A. They were.

Q. What militia company was it had the guns?—A. The Timmons-ville company.

Q. Did you not go there from Darlington that morning?—A. I did.

Q. Did you not see a great many guns carried there by republicans on that day from Darlington?—A. I did not.

Q. What time of day did you leave here?—A. About 9 o'clock, and got there about 11 o'clock.

Q. Did you pass many colored persons on the road?—A. I did not.

Q. Who did you go with?—A. Howard Ellis.

Q. Did not Howard Ellis carry a gun there himself?—A. He did not. I rode with him, and returned with him.

Q. Did you see Howard Ellis with a gun in his hand when Whittemore was speaking?—A. I did not.

Q. Did you see any colored men that went from Darlington to Timmons-ville that day having guns in their hands?—A. I did not see any one.

Q. While Mr. Whittemore was speaking, did you see a line of colored men standing in the road with arms in their hands?—A. I saw the militia company.

Q. Don't you know that among them were a number from Darlington Court-House and vicinity?—A. I did not.

Q. Don't you know, from what you saw, that a number of the very rifles belonged formerly to Captain Keith's company?—A. I do not.

Q. Don't you know that a portion of the arms of this company went there that day?—A. I do not.

Q. What sort of guns did the militia company of Captain Owens have?—A. State arms.

Q. Did you not see that day a number of shot-guns and different kinds of rifles, besides the ones the militia company had?—A. I did not.

Q. How many mounted men went up to the republican stand in the evening?—A. About 400 or 500, of which 200 were on horseback.

Q. Did not these men simply ride up, and ride up to the opposite side of the stand from the militia you spoke of?—A. They formed a half-circle to the side of the militia, the head of the horses to the stand.

Q. Did you hear any of these men make any interruption except a request to be heard?—A. They did.

Q. What was it?—A. I heard a democrat ask what I stated already in my examination-in-chief.

Q. Who made use of that remark to Whittemore?—A. I don't know.

Q. You say Mr. Oliver had twelve pistols; how did you count them?—A. The handles were sticking out of the mouth of the bag.

Q. You say you saw Hennigan point a gun at Whittemore; which Hennigan was this?—A. Barny Hennigan and J. H. Pawley.

Q. You were asked about a republican meeting in Darlington on the 19th day of October; it was perfectly quiet, you say. Did you not see a number of persons mounted and in uniform, and bearing arms that day?—A. I saw colored men on horses that day, and saw uniforms—green jackets, no guns.

Q. Did you not see a colored company drill that day with arms, and in the procession?—A. I did not.

Q. You spoke about the day Hampton spoke here; you say you saw 2,100 men in uniform with arms; how many guns did you see on that day?—A. A good many—shot-guns, pistols.

Q. How many guns?—A. About 200 to 300 guns; men brought from Timmons ville and deposited them in Gilmore's store that day.

Q. Who brought them?—A. The democrats from Timmons ville.

Q. Who is the captain of the Timmons ville rifle-club?—A. Ragsdale.

Q. You saw the guns brought and deposited and taken out again in the evening?—A. I did.

Q. How far do you live from Gilmore's store?—A. Half a mile.

Q. Name some of the men that brought these guns here?—A. I cannot name any.

Q. Did you hear Mr. Whittemore make a speech at the Court-House at the opening of your county convention?—A. I did.

Q. Did you not hear Mr. Whittemore say to Hampton, that day, that the democrats claimed that they had 2,000 men present, but if you counted all the men, women, children, and dogs, it would not exceed 1,500?—A. I heard him say so.

Q. You were at the stand that day; were not more persons there that day that were not mounted than were mounted?—A. More mounted men.

Q. Was everything very orderly and quiet at the stand till the report came that fighting was going on down street?—A. Very quiet.

Q. When the disturbance commenced did you not hear General Hampton say, "be still?"—A. I did.

Q. Did you not know that Colonel Law, with some men, came down town to quiet the fuss?—A. I did not, because I came away.

Q. Don't you know that this difficulty was but a personal matter between two men?—A. I don't know.

Q. You say some men came up when Kelly was arrested and carried him to the speaking place; don't you know that Colonel Law told him to give himself up to the officer of the law?—A. I do, and the man give himself up.

Q. Your father was a candidate on the republican ticket for the legislature?—A. He was.

Q. You say you were at Lydia during the election; don't you know that Lydia is the largest precinct for the white vote of this county?

A. It is, and at the latest election polled 200 more votes than usual.

Q. Don't you know that at the last election the white men turned out and voted more generally than they did since the war?—A. They did, but at the Green movement nearly all the whites voted.

Q. How much did you lack of getting the usual republican vote at the last election?—A. I don't know for certain.

Q. Heretofore you had considerable white votes at elections; did not the white people generally vote the democratic ticket at the last election?—A. They did.

Q. Not long before the election you say you saw rifle-clubs drill at night; how many did you see?—A. Saw a good many at the academy.

Q. Did you ever see mounted, armed companies march through the county at night?—A. The Timmons ville company and the Hartsville company.

Q. Did you ever see armed, mounted men ride through the county?—A. Saw the company that came from Hartsville with J. S. Richardson, contestant; saw the Timmons ville company above referred to.

Q. Did you see the arms of those men you referred to?—A. I did; they had pistols.

Q. Did you see colored people at your republican meeting with pistols?—A. I did not see any pistols; suppose they had some.

Q. Did you ever see any armed democrats riding through the town at late hours of the night?—A. I have not.

Q. Have you not seen colored men drilling at night, drill in town, or in the vicinity?—A. I did.

Q. Did you ever see any of the white rifle-clubs drill after Chamberlain's proclamation?—A. I did.

Q. State where.—A. At Flynn's Cross-Roads, Wilson Cross-Roads, also in town.

Q. Give their names.—A. I cannot name any; saw them drilling at Dr. Flynn's place; cannot give names, but supposed it was the local club.

Q. You say you saw the town club drill since the proclamation?—A. I did not go near them; saw them from the church-yard drilling; cannot name any; they were not talking nor giving commands; it was night-time and I could not see any men, but could hear the muskets touch the ground.

Q. Can you name any man who was frightened into voting the democratic ticket or the part of the democratic?—A. I can; Titus Gaston; I did not see him vote, but he told me he voted democratic; Peter Johnson was also frightened to vote the democratic ticket; I did not see him vote but I know he was turned off his place; Samuel Look, also, I know it from my own knowledge, voted the democratic ticket against his wishes; William Early compelled him to do it.

Q. Don't you know that the democrats worked very hard at Timmons ville, and electioneered very hard, and had quite a number of colored persons members of their democratic club?—A. After the killing of Rush they had about 18.

Q. When did they kill Rush?—A. The second Saturday in May.

Q. Don't you know that there was not a democratic club in the county?—A. I know that there was not any in the county.

Q. Don't you know that there was no political canvassing for two months after Rush was killed at Timmons ville?—A. I suppose that there was none for a month or two afterwards.

Q. You say previous to the coming of the troops fears were entertained by the colored people that there would be violence at the polls; did the troops increase or decrease the vote?—A. I don't think the coming of the troops had any effect at all.

Redirect:

Q. On the day of the first republican mass meeting at Timmons ville, did not a great many of the white citizens of this place take arms to that point?—A. They did.

Q. These rifle-clubs you speak of drilling at nights, would it not be

almost impossible, except you go right close up to them, to distinguish any particular one?—A. It was.

Q. You say that the coming of the troops had no effect upon the colored voters; if it had any effect at all was it not simply to assure them to vote as they pleased?—A. If any, it was this.

(Contestant's attorney objects to all the testimony of this witness based on hearsay, opinion, or anything else that does not come within his own knowledge.)

A. S. SMITH.

Sworn to and subscribed to before me this 4th day of April, 1877.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

L. FAULKNER sworn.

Question. Where do you live, and how long?—Answer. At Society Hill, Darlington County, for the past six years.

Q. Alexander Bird and other witnesses examined for contestant in this case at Society Hill report that on the evening before the election, or the day of election, saw guns deposited at your house at Society Hill; please make a statement in relation thereto.—A. I was deputy United States marshal at that poll, and a good many colored persons on the evening before the election came to the town to be on hand next day at the election, they living a long distance off, and it was their habit in leaving their homes, coming through the woods, to carry their guns; some on the evening before brought their guns, about seventeen old muskets; and by advice of Mr. Carrigan, also a committee of democrats, that no guns should be allowed at the polls, I required these men who brought guns in the evening before to leave them at my house, and kept them there until the election was over.

Q. Did you keep those guns at your house in order that the same should not be exhibited at or near the polls during the election?—A. I did.

Q. Was not your course in so doing commended by the democratic committee, and also by Mr. Carrigan, a prominent democrat?—A. It was.

Q. How far was your house from the voting-place?—A. Two hundred yards.

Q. At this precinct were colored men interfered with in any way by colored persons for voting the democratic ticket?—A. I did not hear of any instances of interference.

Q. As deputy marshal at that poll, in addition to taking charge of those guns on the day before election, what duties did you perform?—A. I staid near the box, and kept order so far as it was required; it was peaceable, and I was not required to do anything.

Q. Was not the election at your poll quiet and peaceable?—A. It was a quiet and peaceful election.

Q. I think some charge was made at that poll, that after the votes had all been counted, &c., some guns were fired; please state what you know about it.—A. I heard that some guns were fired about a quarter of a mile from where the election was held, at Waddell's house, near the Baptist church; this was after the election was all over.

Cross-examination:

Q. How long have you been living at Society Hill?—A. Six years.

Q. Have you frequently seen, at Society Hill, colored men come to the place in as great numbers as on the day of election?—A. I have seen them in great numbers on other days.

Q. You say that on all those occasions they are in the habit of bringing their guns with them?—A. Many of them are in the habit of doing so.

Q. Have you ever been present at an election in Society Hill before November last?—A. I have been a manager of election the two preceding ones.

Q. Did you know, on those occasions, of colored men bringing their guns in the night before the election and deposit them?—A. I do not.

Q. Did you ever know during any canvass, that colored people brought in guns as freely as they did during the last campaign?—A. I cannot say that I do.

Q. Did you see, during the last canvass, any white men bringing in guns to Society Hill at public meetings or on the day of election?—A. I did not see any, as I did not attend the meetings of the democrats.

Q. Did you know, to your own knowledge, that white men came to the polls at Society Hill and camped there all night the night before the election?—A. Not to my knowledge; I heard so.

Q. Did you attend a large political meeting a few days before the election, addressed by Mr. Whittemore, Smith, Gordon, and others, at Society Hill?—A. I did go, but did not hear the speeches.

Q. Did you see any guns brought there by colored people that day?—A. I did not see any.

Q. Do you know of several colored persons having joined the democratic club at Society Hill?—A. I know of two, who left the next day, who had their names taken off; they were induced to join by undue influence.

Q. Don't you know that there were quite a number of colored people who joined the democratic club that were bullied by the republicans till they quit?—A. I do not know.

Q. Don't you know that but very few people voted the democratic ticket at Society Hill?—A. Very few did.

Q. Do you not know that several persons under age voted the republican ticket at Society Hill?—A. I do not.

Q. Did not the republican party receive more than their usual number of votes at Society Hill that day?—A. They received their full strength; don't think they received more.

Q. Do you know of any colored men kept from voting the republican ticket by arbitrary means, that is, by threats or violence?—A. I do not.

Q. Did you say that there were but seventeen guns deposited at your house the evening before the election?—A. That was all, and they were old muskets; this being the total number of guns brought there during the election.

Q. Did you witness the fact of any colored men voting the democratic ticket that day?—A. I did.

Q. You say you saw colored persons vote the democratic ticket that day?—A. I did see them, and I offered them a republican ticket, and they declined.

Q. Did you offer any man a democratic ticket there that day?—A. I did not. I was United States deputy marshal, and had nothing to do with the election excepting to preserve the peace.

Q. Don't you know that the fact of United States troops being sent into this portion of the State influenced votes in favor of the republican party.—A. It did not, in my opinion, and my opinion is very decided.

Redirect:

Q. You were asked if you did not hand a republican ticket that day to a colored voter; did you not also hand democratic tickets to democrats who requested you to do so?—A. I did in one instance.

Q. You were asked if you knew of any colored man being threatened with violence for voting the republican ticket, and you answered no; have you not heard of violence being threatened by democrats against persons for voting the republican ticket?—A. I have.

Q. You were asked if you knew that any democrats camped at or near the polling-place at Society Hill the night before the election, and you answered no; did you hear that they did camp there?—A. I heard it, and did not believe it.

Q. The guns that have been mentioned, did you not place them in your house yourself?—A. I did, and labeled them so I could return them to their owners.

Q. Did not the men that came to town the evening before the election come first to attend a religious meeting, and then to be on hand for the election?—A. They did.

Q. Did those seventeen old muskets that you took charge of and had in your house have any effect upon the election?—A. I have no idea that they had any effect.

Q. Was it not your intention, in taking charge of these old guns on the day before, to prevent their being seen at the polls on the day of election or to have any effect upon the same?—A. This was my intention when I took charge of them.

Q. Did not the democrats at Society Hill poll an unusually large vote?—A. I think the impression was that they did not. Reese and De Witt were the members of the democratic committee called on me.

(Contestant's attorney objects to all leading questions, to all hearsay testimony, to all matters of opinion, and to all motives for conduct, as taken in the foregoing deposition of L. Faulkner.)

L. FAULKNER.

Sworn to and subscribed to before me this 4th day of April, 1877.
[SEAL.]

FRANK F. TEICHER,
Notary Public.

S. I. KEITH sworn.

Question. How long have you been a resident of this county?—Answer. For the last forty-four years; ever since I was born.

Q. How many militia companies were in existence in Darlington County?—A. Two regular organized; one at Darlington Court-House, the other at Timmons ville. I was captain of the one at Darlington Court-House, Company A; the other one, Captain Owens, Company B, at Timmons ville.

Q. When were these companies organized?—A. Under Scott's administration, June 13, 1870; that is the date of my commission as captain of Company A.

Q. Has your company ever been disbanded or disorganized since that time?—A. It has not, and my commission is still in force.

Q. Is the other company in Timmons ville in the same situation?—A. It is.

Q. By what authority were those military companies organized?—A. By an act of the general assembly passed previous to our organization.

Q. Were there not, during the last canvass in this county, rifle-clubs organized by the democrats?—A. I have seen men belonged to clubs; did not see the club lists, but on Hampton day I saw a great many men uniformed in red and brown shirts, with red strips on their hats, belonging to different clubs throughout the county.

Q. Was it not generally understood by all that rifle-clubs were organized all over the State?—A. It was so understood; saw it in the papers.

(At this point contestee's attorney introduced in evidence section 14 of chapter 15 of the General Statutes of South Carolina, page 102, which prohibits the military organizations or formations for the purpose of arming, drilling, exercising the manual of arms, or military maneuvers by other persons than those authorized in this chapter, which regulates the militia of the State.)

Q. By reference to this law, you see that all organizations of a military character are prohibited except militia. Did the rifle-clubs of this county, formed during the campaign, belong to the militia of this State?—A. None of these clubs belonged to the militia.

Q. How did the democrats conduct the campaign in this county; did they conduct it peaceably or with a great show of violence?—A. At times they were very violent; for instance, when we went to Timmons-ville, which was the first meeting by the republicans of the campaign; we went there for the purpose holding our meeting there as previously announced, and the democrats came there, demanded a division of the time. They had helped to build the platform, and demanded a division of the time on that ground. We refused, and a committee sent by the democrats to the republicans returned to the town of Timmons-ville and informed them that we refused to grant the time. After that we consulted among ourselves and concluded, in order to avoid a collision, to vacate the platform, and went to another place, about half of a mile distant, to a lot belonging to the republican church, made our stand on a wagon. After that a democratic committee was sent again. Mr. Ward, being one of the committee, Captain Johnston of Timmons-ville, and H. L. Morris stated that they were sent to ask for a portion of the time. We still refused after being put to the meeting and voted down. The committee retired to the first stand, then the third committee came and asked if they were allowed to come and hear us speak, which request was granted. We told this committee that we would be glad to have them come and hear us, and our objection to a joint discussion that day was to prevent a collision, which would certainly have taken place; it appeared to be imminent. A very few came first, and after we got through speaking then they all come down, their speaking having ended. Our reasons for fearing a collision on that day was on account of reports we got from Timmons-ville that day. A letter was written by Mr. Frank Early to Mr. Ragsdale, stating he was informed that I was going to Timmons-ville, carrying a sixteen-shooter and ammunition. Mr. Ragsdale wrote a letter in reply, stating to him that he would be able to raise 1,000 or 1,200 men, and for him to carry all the men he could get at Darlington to Timmons-ville; that he proposed to make this a test.

Q. When the democrats came up to the stand of the republicans, who was speaking?—A. Mr. Whittemore was about to close his speech when the large body of democrats came up. I did not see any guns; saw pistols displayed occasionally. One man had three or four pistols strung around him.

Q. Were many of them mounted?—A. About 75 to 100 came mounted; the greater portion came on foot. We concluded our meeting and came home. When I left Richardson was speaking, and most of the republicans had left.

Q. Did the republicans have any arms there?—A. The colored men armed at that meeting principally belonged to Owen's militia company above referred to.

Q. From all you heard and saw, did you not expect bloodshed on that day?—A. We did every moment; and I think it would have certainly happened if we remained at the first stand.

Q. On the 4th day of November did not the republicans have another mass-meeting at Timmons ville?—A. We did; it was the last meeting we had; the democrats also had one at the court-house. While going to Timmons ville we met three clubs on horseback, with red and blue shirts, pistols on the outside of their shirts, and rifles across their backs; before we got to Timmons ville we met another club. I had a wagon, and some of the speakers were with me, Whittemore; and as they were passing us, one man with the name of Atkinson, hollowed out three cheers for Whittemore, the damned old son of a bitch; they cursed every republican, and would get into a fuss right there, if we had not been quiet. They yelled and fussed a great deal. We went on to Timmons ville; had a very quiet party, because the democrats were not there and the presence of the soldiers had a great deal to do in keeping the peace. We remained to have a torchlight procession, and as we were coming near Ragsdale's store, a lot of white men came to my wagon where Mr. Whittemore was and cursed him shamefully, and by the time we got into the road leading to Darlington we heard the democratic band returning from Darlington. We halted, the road being very narrow, that they might go on and pass, for fear of a collision and to avoid trouble; they insisted upon turning the street we were on, and make us give away, and when we would not give away they went on; they turned out of the direct way; after they passed we came home. We had no other trouble except at the places stated.

Q. On the day that the republicans had a large meeting at Darlington, it is said that some of them had guns; state who had the guns?—A. The militia were the only ones that had arms on that day, and were under command of Aiken, the first lieutenant of the company.

Q. On the day of election did you see some of the red-shirt men out on horseback?—A. They were a squad came from out on Black Creek in the neighborhood of Leavenworth.

Q. In your judgment, did not demonstrations of violence made by the democrats cause colored men to join the democrats and vote their ticket?—A. A great many colored people were timid, and voted account of promises, and some voted because they had lost faith in the republican party.

Q. Was it not the part of the democrats during the campaign to threaten colored men that if they voted the republican ticket they could get no lands nor advances?—A. It was their policy during the campaign to make these threats, and it was so announced publicly in their speeches.

Q. Are not the colored people of this county depending generally upon renting lands from the democrats?—A. They are generally depending upon the democrats for lands and supplies.

Q. What effect did these threats have upon colored people?—A. It caused a good many to vote that way, and others to stay at home.

Q. It was charged that there were some guns in the jail in this town during the election. What guns were there, and about how many, and for what purpose were they there?—A. I suppose about ten or fifteen guns were there; they were put there on the evening before the election. Mr. Whittemore, as chief deputy marshal, owing to threats made to take the ballot-box and destroy the ballots of the two precincts in town, he having the right to do so, requested that those guns be put there in case of necessity.

Q. Near what poll is the jail where those guns were?—A. Near No. 1.

Q. It is charged that these guns deterred persons from voting the democratic ticket; is it not a fact that more than nine-tenths of the democratic votes cast in the town were polled at poll No. 1?—A. It is a fact.

Q. Is it not a further fact that at this poll the democrats got thirty colored votes, and at the other poll, about a quarter of a mile off, they did not get any?—A. It is a fact.

Q. Is it not a fact that the guns being in the jail was unknown until about the close of the election?—A. I believe this is a fact.

Q. Is it not a further fact that the only demand for assistance made upon the United States troops during that day was made by the democrats?—A. It is so; they requested them to guard the jail when they found out that the guns were there; this was about the time the voting ceased.

Q. What effect did the coming of the United States troops have upon the colored voters?—A. It was to assure them that they could vote as they pleased; it had that effect upon me.

Q. In your opinion did the presence of the troops cause any one to vote against the democrats who wished to vote for them?—A. None whatever; did not prevent anybody from voting for whom they pleased.

Q. Were colored men molested or troubled for voting the democratic ticket?—A. Not to my knowledge.

Q. During election-day what deputy marshals were in the town of Darlington?—A. B. F. Whittemore, Larry Aiken, and H. A. Keith.

Q. Did you see any of these marshals do anything that day to interfere or prevent the free exercise of any of the voters?—A. I saw them do nothing, and I heard of nothing.

Cross-examination:

Q. You spoke of these clubs appearing in uniform; can you say this is a military uniform?—A. I don't pretend to call it military uniform; I say it was a uniform.

Q. Did you not see republicans at these meetings—republicans in uniforms and mounted?—A. I saw them with caps and capes on, which was uniform.

Q. Did you ever have wide-awake clubs that were organized solely republican?—A. Yes.

Q. Were they private and generally held at night?—A. They were not; our doors were always open.

Q. You have spoken of the manner of conducting the campaign by the democrats; do you know of anything you consider violent demonstrations, excepting the first meeting in Timmons ville?—A. I consider them both violent.

Q. You can't say, then, that the campaign conducted by the democrats was generally conducted in a violent way?—A. I cannot say that it was; never attended any democratic meetings.

Q. You were prominent in the campaign yourself?—A. I took an active part, and was a candidate for the house of representatives.

Q. Were your meetings ever disturbed by violent demonstrations of the democrats?—A. Only at Timmons ville at the first meeting.

Q. Were there really any violent demonstrations on the part of the democrats that day?—A. I think there was.

Q. State what they were.—A. After we were informed by the committee that we would not divide time, they formed a line of battle and marched there, expecting to find the republicans there at the first platform.

Q. Were you present at the conference of the two committees?—A. I was not.

Q. You say the democrats formed a line of battle; did you see guns?—A. I did not see any guns.

Q. How many democrats do you think were there that day?—A. About twelve or fifteen hundred; hard to tell how many.

Q. About how many were on horseback?—A. Two hundred, more or less.

Q. Is it not the common way for the young men going about the country?—A. More commonly in buggies.

Q. How many republicans were there on that day?—A. About the same, probably more.

Q. Did not the republicans have more arms than the democrats?—A. The republicans had more guns; I think everybody was armed.

Q. Were there not more visible arms in the hands of the republicans than in the hands of the democrats?—A. More guns in the hands of the republicans.

Q. Don't you know that the republicans were armed with pistols as well as guns that day?—A. I cannot say; all were armed, I think.

Q. Did you go down from Darlington Court-House, and who went with you?—A. I did, and B. F. Whittemore, E. W. McKeever, William Harly.

Q. Did you carry any guns in that buggy?—A. Not a one; I carried a pistol.

Q. You saw others carrying guns, other than Owen's company?—A. I did.

Q. Did you not see a party of republicans at Jourdan Lang's gate, as you went down?—A. I did.

Q. Did they have guns in vehicles?—A. Some had.

Q. Did you see B. Hennegan, Pawley, or any one else raise guns to shoot B. F. Whittemore that day?—A. I did not see a gun in a white man's hand.

Q. How many pistols did Oliver have that day?—A. I think he had four or five buckled around him; did not see him with a bag; don't know whether he had one or not.

Q. Did Oliver make any violent demonstration that day?—A. Not to my knowledge.

Q. Have you ever said previous to the Timmons ville meeting that you would carry a sixteen-shooter and a wagon-load of ammunition, or anything of the kind, to Timmons ville that day?—A. I said to E. Weston at the post-office, one or two days before the meeting—he asked me how I was going to Timmons ville; I told him I was going in my wagon, I expect; several wished to go down with me, and I thought I would carry my sixteen-shooter with me, as I understood the democrats were making great preparations to clean us out that day.

Q. Did anybody else from the village carry down a sixteen-shooter that day?—A. I think Gordon did.

Q. Were any of the guns that belonged to your militia company carried there that day?—A. Not to my knowledge; I did not see any.

Q. Had not the militia guns been ordered in by the governor?—A. They had not.

Q. Your militia companies did frequently appear under arms after Chamberlain had disbanded the rifle-clubs?—A. Only once, to my knowledge; had a right to do so.

Q. You say you apprehended trouble at Timmons ville that day; did you

not apprehend it from hot-heads of your own party just as well as from the democrats?—A. I did.

Q. Did not your speakers use their utmost endeavors to prevent the colored people to come to our meetings and to hear our speakers?—A. As a general thing they did, because some collision would occur.

Q. You have said that a division of time was desired by the republicans; did not the democrats invite them to share in their meeting, with assurances of protection?—A. Yes.

Q. Was it not publicly known that the the democrats would have a meeting at Darlington the day they had their last meeting at Timmons-ville?—A. Not until we had our meeting appointed for that point.

Q. Those men you met in the road were coming to the Darlington and returning from it?—A. They were.

Q. How many guns did these men have strapped on their shoulders?—A. I think three rifles.

Q. You say you saw a squad of red-shirt men ride into town the day of election; was not that very late in the evening the day of election?—A. It was some time before the polls closed; late in the evening.

Q. Did they create a disturbance?—A. They hollered, "Hurrah for Hampton."

Q. In speaking of not renting lands, did we ever make a distinction between the republican and radical tickets?—A. I don't think that any distinction was made.

Q. Don't you know the fact that a good many colored people voted for Hayes and Wheeler and voted against the State and county ticket?—A. Not to my knowledge.

Q. Don't you know that those who voted the national republican ticket, but who voted against the State and county radical ticket, were excepted from the pledge not to rent lands or receive supplies?—A. I do not.

The following pledge is admitted in evidence and marked "Exhibit A," and was generally adopted in Darlington County:

EXHIBIT A.

Darlington County, Township:

We hereby pledge ourselves to each other that we will not rent or let lands or houses, nor advance supplies on credit, to any person who shall vote the radical ticket at the election to be held on the 7th of November next; nor will we employ as a mechanic any person who shall so vote at said election, or keep in his employment those who do so vote; nor will we employ in any capacity such persons as may be designated by the executive committee of the democratic party for this county, in a list to be furnished by said committee. This pledge to be of force until January 1, 1878.

Q. You say that colored people are generally depending upon land-owners; don't you know that planters generally were opposed to their renting lands to freedmen ever since reconstruction, on the ground that they desire to employ them as laborers, as renting disorganizes labor?—A. I say a good many were opposed to renting lands, as they preferred to hire them as laborers.

Q. So, then, the colored people are not depending for a living on the renting of the land?—A. They are not generally depending on renting;

they could hire as laborers; I know in some cases that some persons refused to hire.

Q. Did you ever hear the canvassers on the democratic side make speeches on the subject of land-renting?—A. I never heard a democratic speech; did not attend their meetings.

Q. Did you not hear T. B. Gordon, a republican, and a candidate for office, in a speech in the court-house in reference to a conflict of races, say it did not matter how soon it came; we are ready for them, or something of the kind?—A. I don't remember; he might have said something like it; it sounds like T. B. Gordon.

Q. Don't you remember in that meeting I rose, and during the meeting asked the chairman if I might make a request to the meeting, which was refused?—A. I did; I was speaking at the time.

Q. Did you come home with the party that came home from Timmons-ville on the night of the 4th of November?—A. I did come home with that party.

Q. Do you remember the yelling, the firing of the pistols, and the noise made while coming into town?—A. I remember the firing of the pistols and yelling; did not hear any guns fired.

Q. You say that colored men were not molested in voting the democratic ticket at the last election; don't you know that great pressure was brought to bear upon them to keep them from voting it?—A. Not any more as to have them vote it by the democrats.

Q. Don't you know that there was a time prior to the election that a colored man could not dare to announce himself a democrat on the street without violence and insult by the republicans?—A. I remarked one instance when Allen Ross was cursed at.

Q. Don't you know that members of your party threatened violence to any one who voted the democratic ticket?—A. They may have threatened it.

Q. Don't you know the women assaulted colored men for being democrats?—A. Not to my knowledge; I heard of one instance; it was the instance women insulted Rosco McIntosh.

Q. Don't you know that a woman assaulted a man at the polls on the day of election?—A. I heard of it.

Q. Don't you know that there was a crowd of women at poll No. 2 all day jeering at men for voting the democratic ticket, and deterred them from voting it?—A. I do not.

Q. Did you see any instances of disorder or misbehavior towards republicans on the part of democrats on the day of election?—A. Nothing more than I saw at poll No. 1. I saw Colonel Law standing at the poll with another white man pulling them towards the poll to vote, and keeping the polls crowded with white men.

Q. Don't you know that the white people were threatened with arrest by United States deputy marshals, and expected arrest, and hurried to vote early on that account?—A. I did not hear anything; there was nothing of the kind.

Q. Did you see any arms deposited at poll No. 2, or its vicinity, on the day of election?—A. I did not.

Q. Were any arms belonging to the militia company or the republicans deposited near poll No. 2, either the day or night before the election or on the day of election?—A. None to my knowledge, and never heard so.

Q. Who deposited the arms that were placed in the jail near poll No. 1 the night before the election?—A. They were deposited there by the

men who owned them; members of the military company had them in their possession.

Q. Was it done by your orders?—A. It was not.

Q. Was it done by your knowledge and consent?—A. It was done by my knowledge and consent, the first lieutenant in command.

Q. Can you say how many guns were deposited there?—A. Ten or fifteen, more or less.

Q. Were the parties that deposited these guns republicans or not?—A. They were colored men.

Q. Don't you know that they were republicans?—A. I do not know.

Q. You said yesterday that this was done by request of Mr. Whittemore, the United States deputy marshal. Was not the fact of depositing the arms there carefully kept from the knowledge of the democrats?—A. I cannot say that it was.

Q. Can you tell me why Mr. Whittemore had those guns deposited there and United States troops stationed here keeping order?—A. On account of reports circulated as to what the democrats would do on the day of election.

Q. And yet, on the face of these reports, it was not known to the republicans, who deposited them, that they were there, and was not carefully kept from the knowledge of the democrats?—A. I don't think that anybody hardly knew, either republicans or democrats, the guns were there.

Q. Did you hear Mr. Whittemore's speech at Society Hill, about ten days previous to the election, at a public meeting?—A. I did.

Q. Did not Mr. Whittemore tell the colored people there to come prepared to the polls, and if there was any disturbance between the democrats to clean out men, women, and children, and not to leave a greasy spot of them?—A. He said nothing of the kind. Mr. Whittemore said in connection with the greasy spot that he heard they threatened to kill him, and if they killed him that there would be more Whittemore's than him, and if they cleaned him out that there would not be a grease spot of the democrats left.

Q. What effect did the introduction of troops in this section have upon the county election in Darlington?—A. To assure republicans generally that they could vote unmolested.

Q. Did it not have the effect of increasing the republican vote?—A. I cannot say increased it nor decreased it.

Q. Was not the prospects of the democrats to carry the county two weeks before the election much better than it was ten days before the election?—A. I cannot say it was.

Q. Don't you know that your speakers and individuals of your party told the colored people that the troops were here to require them to vote the republican ticket and see that the democrats were kept under?—A. I do not know; never heard utterances of the kind.

Q. Don't you know that for weeks before the election, or before it was known that troops were to be brought here, that the democrats were conducting the campaign in this county with perfect quietness and only using persuasive arguments with the people of all classes?—A. To some extent it was so.

Q. Don't you know that colored people were told by your party if they voted the democratic ticket they should be turned out of doors, have their property destroyed, be mobbed, and not permitted to live in their houses?—A. I don't know of anything of the kind.

Q. Do you remember having addressed the citizens of Florence upon one occasion during the late political campaign?—A. I do.

Q. Did you not upon that occasion make use of intemperate and abusive language on the democrats?—A. It may have been, to some extent.

Q. What use upon that occasion did you make of the threatened introduction of United States troops?—A. I do not remember of making use of it. May have done so. If I did, it was to assure them that they could vote as they pleased.

Q. Did you not say that the President was a republican, and the army was coming here in the interest of that party, or words of like import?—A. I did not.

Q. Did you ever during the campaign suggest the torch as a weapon which republicans might employ?—A. I say positively I never did. It has always been my advice to my people and my party not to commit any depredations.

· Redirect :

Q. The Wide Awake republican clubs in this county, were they simply political clubs or were they organized as the rifle-clubs, on a military basis?—A. Simply political clubs; met with open doors.

Q. How was the ticket upon which Hayes, Chamberlain, Rainey, and other republican candidates, in this county, known and designated?—A. Principally "radical ticket," and "republican ticket" sometimes.

S. J. KEITH.

Sworn to and subscribed to before me the 5th day of April, 1877.

FRANK F. TEICHER,

Notary Public.

H. M. K. DARGAN sworn.

Question. How long have you been living in Darlington County?—Answer. Twenty-four years.

Q. Were you familiar with the county during the campaign?—A. I was; traveled through different parts of the county.

Q. At what point in this county did the republicans open the campaign?—A. At Timmons ville.

Q. Were you present at the first meeting in Timmons ville?—A. I was.

Q. Please describe what you saw there that day.—A. After leaving here that morning, going to Timmons ville, getting to Timmons ville we found a stand erected about five hundred yards from the public square, where the speaking was to be. After waiting for some time, the speakers concluded that it was getting late, and they would commence speaking. On finding out that the stand had been built between the republicans and democrats, and that the democrats wanted the republicans to divide the time with them, the republicans anticipated that if they should divide the time that there would be a row between the parties. On these grounds they refused to divide the time. After consultation between the republicans and democrats, the democrats refused to let them speak there unless they divided the time. The republicans went about a half of a mile from there to have their speaking. After the meeting was called to order by the chairman, and the speaking commenced, a democratic committee of five came asking a division of time again, which was refused. After that another democratic committee came asking if they could come and listen to the speaking; which was granted. After they came—about eight hundred

democrats came, partly mounted, with sixteen-shooters, seven-shooters, shot-guns, and muskets—formed a half-circle around the stand. Whittemore was speaking at that time. A few minutes afterward, Jourdan Lang said to the crowd to adjourn; that Mr. Richardson was there, from Sumter, and those that wanted to hear him speak could do so. The greatest portion of the republicans immediately left for Darlington.

Q. Were there any militia there that day?—A. There was, and had their guns.

Q. Did the white citizens go from the town of Darlington to that meeting and carry their guns?—A. They did.

Q. Did you hear any threats before the meeting took place that this meeting, in case the republicans would not divide time, would be broken up?—A. I heard of threats that one half of the time should be demanded, and if it was not granted that something would be done.

Q. Were you at the second Timmons ville meeting, on the 4th of November?—A. I was.

Q. State what happened on that day.—A. On leaving Darlington, about 9 o'clock a. m., about seven miles from here we met the Timmons-ville rifle-club, about 120 strong, with red shirts, red flannel around their hats; some had yellow shirts, also red flannel around their hats. A few words passed between democrats and republicans. Some of the democrats said that we would meet to-night on the way back, and we git you then. We then went on to Timmons ville. About an hour after getting there speaking commenced; during the speaking things were very quiet. After the speaking was over we had a torchlight procession—marched around the town; coming out of town we met the same rifle-club returning, and they attempted to break through our procession, and they said, "You will have to go around, as we are not going to give the way." We thought best to go around them; after we gone around them they went on to Timmons ville.

Q. Where were you on the day of election?—A. At Timmons ville.

Q. Do you know anything of colored men being shut up the night previous to the election in that town?

(Objected to the question as soliciting answer.)

A. I do. I got there on the morning of the day of election about 5 o'clock; working up town, I heard a crowd of men in a hall. I asked some one outside what they were doing in there; they stated that the democrats had shut these colored men up in there the night previous to keep them from deceiving the democrats in voting the democratic ticket. I staid there until it was time for voting, and I saw about twenty-five or thirty colored men coming out, and a white man had each of them by the arm. I followed them to the place of voting; after each white man voted, the white man would hand a ticket to the colored man he had by the arm and make him vote it, and both would come out together after they had so voted, and then would turn the colored men loose. About six white policemen were at that poll, and prevented republicans from voting until that crowd got through voting. During the day white democrats came to the polls dressed in different costumes, representing different rifle clubs, some with the pistols strapped outside of their clothes; not more than twenty or twenty-five white men were there that day, except dressed as above. Pistols were drawn once on a colored man on account of his voting the republican ticket; also I was threatened for discharging my duties as a deputy United States marshal, and they went on so bad that I had to call on the United States troops there. After they drew a pistol on that man, I went up to him, trying to quiet him, and they made threats to me that if I did try to quiet this man

they cursed me and said that they would shoot hell out of me before I would get away from there. I told them that I was a United States deputy marshal, and in the discharge of my duties, and they told me they did not give a damn for my marshalship. While writing a note to the commanding officer of the soldiers these parties got away. While counting the votes, the house where the polls were in was crowded by both parties. I heard a democrat say that if the republicans outcounted them at that poll that they raise hell with them and take the box; also a speech was made that day, right at the poll, to the effect that if the republicans did not vote with them so that they could get rid of the damn rascals, that they had the land and the money, and they would neither rent them land nor hire them.

Q. Did you see any guns at or near the voting-place in Timmons ville on that day?—A. I did not.

Q. Where were the guns of the militia company kept at?—A. At Hollaway's; the magistrate's office is one-fourth of a mile from the voting-place.

Q. You say this was the usual place of keeping their guns; were they kept there on that day?—A. To my knowledge I don't know where the usual place was; the members of the company said it was the usual place, and they were there that day.

Q. Did you see any other colored persons with guns on that day?—A. I did not.

Q. The rifle-clubs you met on the 4th of November, did they have any guns as well as pistols?—A. I counted twelve guns.

Cross-examination:

Q. State who you heard make use of this language: "That if the republicans outcounted them they would raise hell and take the place?"—A. I did not know but very few of the Timmons ville white men.

Q. Who was it that told you if you came down there with any of your damn business they would shoot hell out of you before you got away?—A. One J. S. Beck and one William Young.

Q. Was this the threat referred to when you said that you were threatened?—A. That and others.

Q. What others?—A. When they spoke about my marshalship, this was said by Waltermann Hunter and Dr. J. M. Hunter.

Q. Were the tickets which you saw put into the hands of the twenty-five colored men, referred to in your direct examination, open or folded?—A. Some were open and some being folded.

Q. Can you say what tickets they were?—A. I can; they were democratic tickets.

Q. How do you know they were democratic tickets?—A. Because I saw the name of General Hampton on the head of them.

Q. Was the name of General Hampton at the head of each ticket?—A. The principal part was; cannot say as to all.

Q. Was it at the head of a single one of these tickets?—A. It was not at the head; Tilden was.

Q. Do you say that force was used in making those men vote their tickets?—A. I say it was used.

Q. Can you say that those men voted contrary to their wishes?—A. From their actions I can; some of them hesitated about five minutes.

Q. Do you know the cause of their hesitation?—A. I do not.

Q. Do you not know that colored democrats were afraid of their own color?—A. I heard them say at Timmons ville that they were not; those colored democrats down there at Timmons ville cursed me.

Q. Do you know any of these twenty-five men above referred to?—A. I know Tandy Bird, George Montgomery.

Q. Do you know any of the white men who belonged to the crowd voting these colored men?—A. One J. S. Beck and one Culpepper.

Q. Which Culpepper?—A. I don't know which.

Q. Do you know more than one Culpepper?—A. I do.

Q. Which one of the Culpeppers did you refer to in your previous answer?—A. I refer to Dr. Culpepper.

Q. Do you know any other white man who led those colored men up to the poll?—A. I do not.

Q. Can you name any of the six white police who stood at the polls?—A. I cannot.

Q. How do you know that twenty-five or thirty colored men, spoken of above, were shut up all the night previous?—A. They told me so.

Q. Had you any previous acquaintance with them?—A. I had not.

Q. Which ones of them told you so?—A. Don't know their names.

Q. Do you know why they were shut up?—A. I do. They told me themselves that they were shut up by the democrats for fear that they might deceive them.

Q. Who told you so?—A. I don't know their names.

Q. Do you not know that colored democrats were in personal danger from their own color?—A. I do not.

Q. Do you not know they were threatened and abused by their own color?—A. I don't know that they were threatened; do not that they were abused by being cursed.

Q. Was it not a common thing?—A. I cannot say; I heard of two or three cases.

Q. How many sixteen-shooters, and how many seven-shooters, and how many shot-guns did you see in the hands of the 800 democrats at the Timmons ville meeting?—A. About 25 or 30 sixteen-shooters, and about 18 or 20 seven-shooters.

Q. How many white men did you see with arms in their hands?—A. Very nearly all had arms.

Q. How many colored men did you see on that day with arms?—A. I don't think the number exceeded 300.

Q. Who made the threats referred to by you about a division of time.—A. J. J. Ward told me a day before leaving for Timmons ville.

Q. I understood you to say that you remained at Timmons ville to have a torch-light procession on the 4th of November?—A. We did.

Q. You stated that some words passed when the two processions met in the morning; was anybody frightened?—A. I cannot say as to others; I was not.

Q. You did not stay in Timmons ville that night because you were afraid to come home?—A. The leading men said that they might have a skirmish on the road coming home.

Q. Did you not go to Timmons ville prepared to have a torch-light procession?—A. We from Darlington did not.

Q. Did not Captain Whipple's company of mounted men go there with their lanterns ready for the torch-light procession?—A. They did.

Q. Were the republicans molested or interfered with at all?—A. Not until night when we were leaving, when we met the Timmons ville rifle club returning.

Q. Why was it that the republicans from that meeting rode into the town of Darlington at a late hour of the night, disturbing the quiet of the town with yells and the discharge of fire-arms in the streets?—A. I cannot say why.

Q. Can you say why the intendant of the town was unable to enforce

the ordinance against the discharge of fire-arms in the streets?—A. I cannot; I did not know that he ever attempted to enforce it.

Q. Are you a member of Captain Keith's militia company?—A. I am.

Q. Where was your company in the habit of drilling?—A. At the Methodist church-yard over the East street.

Q. Where did you meet when you drilled at nights?—A. Never drilled at nights since the organization of the company.

Redirect:

Q. You say that the 25 colored men taken up to the polls voted the democratic ticket?—A. I did.

Q. Was not the democratic ticket printed with black ink on white paper, and the republican ticket printed with red ink on white paper?—A. They were so printed, and could be easily told apart without seeing the names.

Q. You were asked if colored democrats were threatened and cursed by colored people, and answered you heard of their being cursed. Was it not the common practice of the democrats to curse and abuse all the republicans?—A. It was.

H. M. K. DARGAN.

Sworn to and subscribed before me this 5th day of April, 1877.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

THOMAS MCINTOSH sworn.

Question. At what poll in this county were you the day of election?—

Answer. At Society Hill, and been living there all my life; over 60 years.

Q. Do you know anything of colored persons being threatened or interfered with for being democrats or voting the democratic ticket?—

A. Not one.

Q. How far is Faulkner's house from where the polls were held?—A. About 200 yards.

Q. Did you hear anything on the day of election of guns being there?—A. I did not, not a word.

Q. How was the election conducted there; peaceful, quiet, or not?—A. I thought it was the quietest and most peaceful election we ever had in that section on voting-day.

Q. Are you well acquainted with all the colored people in your neighborhood?—A. I am. I am about the oldest one living there, and I know almost every one.

Q. Among all the colored people you saw vote there, did you see any one vote that was not old enough to vote or entitled to vote?—A. I think that all voted were entitled to vote; as to some of their ages I am not posted. What I mean to say is that some voted who were not living in the county.

Q. Did you see almost everybody vote?—A. I think I did.

Cross-examined:

Q. How do you know that no non-residents of the county voted at Society Hill precinct?—A. I mean to say that I know pretty well all the people in the precinct.

Q. Can you say that no one voted at Society Hill that was not a resident of the county?—A. I do say so.

Q. Did you see every man vote?—A. I did not see every man vote.

THOMAS McINTOSH.

Sworn to and subscribed before me this 5th day of April, 1877.

FRANK F. TEICHER,

Notary Public.

THOMAS WEATHERY sworn.

Question. Where were you on the day of election?—Answer. At Society Hill; and been living there for thirty years.

Q. Do you know of any colored persons being threatened or interfered with for being a democrat or voting that ticket?—A. I do not, and have not heard of any.

Q. Do you know Silas Allston?—A. I do.

Q. He said in his examination as a witness for contestant that he was afraid to vote, and on his cross-examination he said that Mr. McCall, a democrat, intimidated him, or words to that effect; please give us a statement about him.—A. He had not voted for two elections, and the reason that he did not vote at the last election was that Mr. McCall made him some promises, as I heard.

Q. How far is it from the Faulkner house to where the polls were held?—A. About two hundred yards.

Q. Do you know anything of guns being kept at his house?—A. I heard the day after the election that some guns were there.

Q. How was the election conducted at your precinct?—A. Very quiet and peaceably.

Q. Did you see all the colored men that voted there that day?—A. I did.

Q. Did any colored men vote there who were not residents of Darlington County?—A. Shedrick Shields and Alfred Linsey only voted for the President and Vice-President, and no one else; they live in Chesterfield; the rest were all residents.

Q. Were there any white men that did not live there vote the same way?—A. I do not remember.

Cross-examined:

Q. How do you know that Shields and Linsey only voted for President and Vice-President?—A. I saw them tear off the balance of the ticket.

Q. How do you know that there were no others not residents within the county who voted at that precinct?—A. Because I know pretty much all the people livin' in that precinct.

Q. Did you hear Mr. Whittemore speak at Society Hill during the late political campaign?—A. I did.

Q. Do you remember what he said in reference to the democrats being wiped out, and nothing but a grease-spot should be left of them?—A. I don't remember his language; heard him speak.

Q. Was there any militia company at Society Hill?—A. There was not.

Q. By whom were the arms deposited at Faulkner's house?—A. I do not know.

Q. How do you know that Mr. McCall made any promises to Silas Allston?—A. I heard so.

Q. Was there not a large crowd of republican voters in front of the polls at Society Hill during the day of election?—A. There was.

Q. Were not fire-arms discharged in the streets after night-fall on the day of election?—A. They were not.

Q. Were they not discharged in the vicinity?—A. I heard some guns discharged after the election was all over, but do not know by whom; it is a common thing to hear guns discharged about there; the place is not incorporated.

Q. Is it a common thing to hear so many fire-arms discharged as that night?—A. I don't suppose it is.

THOMAS ^{his} + WEATHERY.
mark.

Sworn to and subscribed to before me this 5th day of April, 1877.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

H. D. POOLE sworn.

Question. At what poll were you at during the day of election, and in what capacity?—Answer. Chairman of the board of managers at Society Hill voting-place.

Q. Did you file in the clerk's office the oath you took as manager?—A. I did; before the election.

Q. With whom did you file?—A. With C. K. Rogers, deputy clerk.

Q. Did the other managers do the same thing?—A. They did.

Q. Do you know how far it is from Faulkner's house to where the polls were held?—A. About two hundred yards.

Q. Faulkner, in his testimony, says he was a deputy marshal at that poll, and on the evening of the election some colored men came in from the country, intending to stay until after the election, and having old muskets with them, and that he took charge of these old muskets so that they would not appear during the election; do you know anything about these guns?—A. I did not; only what I heard the day after.

Q. How was the election conducted at your poll?—A. Very peaceably; heard democrats say it was about as peaceful an election as we have held there.

Q. Did the deputy marshal do anything to prevent colored people from voting as they pleased?—A. He did not.

Q. How did the people conduct themselves at the poll?—A. They acted nicely; did not prevent anybody from voting as they pleased.

Q. Did the managers at that poll conduct the election fairly, and give each man all the votes he got?—A. We did, and democrats and all hands went away satisfied.

Cross-examined:

Q. What were they rejoiced at?—A. Because everything went off peaceably, and we had no row there.

Q. What is the republican majority at your poll?—A. Two hundred and eighty-two votes.

Q. What rejoiced them?—A. The republicans, for being ahead; the democrats because it went off peaceably, because they anticipated being intimidated by the republicans.

Q. Was it not a fact that the republican voters were massed during the day in front of the poll?—A. They were not. They would walk around.

Q. Were any voters challenged?—A. Some were challenged by Mr. Carrigan.

Q. Were the men who were challenged allowed to vote?—A. Not all

were to vote who were challenged; if they could establish proof of their age, they were allowed to vote.

Q. What proof was required by the board of managers?—A. By their parents as to age.

Q. What proof as to residence?—A. Only two; those spoken of by Thomas Weathery in his testimony, that I remember, and they voted as Weathery stated.

Redirect:

Q. On your cross-examination you say that the democrats were rejoiced because the election passed off peaceably and because they anticipated being intimidated by republicans; what do you mean by saying this last?—A. Afraid that they might be frightened off, or something of the kind; but everything passed off peaceably and quiet.

Q. I see that 101 white men voted at that poll and 390 colored men, and I suppose that there were more colored men about the polls all day than white men?—A. Of course there were.

H. D. POOLE.

Sworn to and subscribed to before me this 5th day of April, 1877.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

Z. W. WINES sworn.

Question. At what poll were you at the last election, and how long did you live there?—Answer. At Society Hill, and have been living there for the past twelve years.

Q. How far is Faulkner's house from where the polls were held?—A. About two hundred yards or a little over.

Q. Do you know anything about the seventeen old muskets that he seized or took the day before the election?—A. I saw some four or five of them he took the day before; it is customary to carry guns by colored persons coming from the country, shooting birds on the way, and Faulkner thought it best not to let any guns be seen on election day, therefore he took those guns from the men.

Q. Did you see any guns at all on election-day?—A. I did not.

Q. How was the election conducted at your poll?—A. Very peaceful; democrats have told me so since the election.

Q. Do you know anything about why Silas Allston did not vote?—A. I believe he was intimidated. My reason for saying so is, he wanted to vote the republican ticket, him and Peter Brack. Mr. McCall, the agent on the place, told them if they would not vote the republican ticket, but vote the democratic ticket, he would pay them or satisfy them.

(Objected to as hearsay.)

Q. Do you know of any cases of intimidation by democrats to keep republicans from voting?—A. I do. Solomon Bostick was kept from voting the republican ticket through intimidation. Samuel Hill voted the democratic ticket, and wanted to vote the republican ticket. Stephen Grant wanted to vote for Rainey, but could not do it. I know one man that was caught stealing, and he was made to vote the democratic ticket to keep him from being prosecuted.

Q. How was Solomon Bostick kept from voting?—A. He rented a piece of land from Edward Evans, and was told if he did not vote he might stay there a life-time and have the land. Samuel Hill was also caught stealing, and voted the democratic ticket to avoid prosecution, as well as the other men referred to.

Q. You mention Grant as wishing to vote for Rainey and was prevented; state how.—A. He was living on Mr. Carrigan's place, and was told if he voted against him he would take away the last thing he had, so far as he was owing, besides the land, and this caused him to vote against Mr. Rainey. Mr. Carrigan took his republican ticket and tore it in two.

Q. On account of threats not to rent lands, what was the effect upon colored voters?—A. A great many staid away from the polls at my precinct, and would have voted the republican ticket if they had voted at all.

Q. Who did all the challenging at that poll?—A. Mr. Carrigan did it all, except Mr. Reese challenged one or two; this was for the democratic side.

Q. Were you present when the challenging was done by Reese and Carrigan, the democrats you speak of?—A. I was.

Q. Such persons as were challenged by them as being too young to vote, did they prove their ages?—A. They did.

Q. Did they challenge anybody as being not entitled to vote as non-residents except the two mentioned in Tom Weathery's testimony?—A. They did.

Q. These others, were they residents of this country?—A. They were.

Q. Is it not the practice of a good many of the colored people living at Society Hill to cultivate land on the Marlboro side of the river?—A. It is.

(Objected to as leading.)

Q. Were the people peaceable and quiet during the late election at the polls?—A. Peaceable and quiet.

Q. There was some firing off guns or pistols after the election was over; how far was this from where the election was held?—A. I heard a few shots fired along the road as people were going home outside of town.

Q. Was that an unusual thing at Society Hill?—A. It was not.

Q. Were any troops at Society Hill or in your neighborhood?—A. None nearer than Darlington, fifteen miles off.

Q. What effect did the troops have upon the colored voters at your precinct?—A. None.

Cross-examination:

Q. Do you undertake to say that the threatened introduction of United States troops into this part of the State had not the effect of strengthening the republican party?—A. I do.

Q. How far is Bennettsville from Society Hill?—A. Thirteen and one-fourth miles in an adjoining county.

Q. How many troops were stationed there?—A. I don't know how many, but know some were there.

Q. You say it was not an unusual thing for people to discharge their fire-arms upon the highway at night; do you say that there was no unusual discharge of fire-arms in the vicinity of Society Hill upon the night of 7th of November last?—A. Not that I heard of.

Q. Is it a habit of your people to go birding upon election-day?—A. No.

Q. Do you say that the guns deposited at Faulkner's were put there for sporting purposes, or were used on that day for that purpose only?—A. I say that the guns were only brought out for sporting purposes.

Q. How were these guns loaded; with buck-shot or bird-shot?—A. The ones I saw were loaded with bird-shot.

Q. How many did you see loaded?—A. Three.

Q. Were you not a candidate upon the republican ticket and interested in the result?—A. I was.

Q. Did you or not remain at the polls the entire day?—A. I did.

Q. How do you know that all the men challenged as non-residents of the county, except the two spoken of by Thomas Weathery, were residents?—A. Because I know them; there were only two others; only four were so challenged.

Q. Name them.—A. Sandy Rose is one; don't know the name of the other, know his residence.

Q. How many were challenged for want of age?—A. I don't know.

Q. How did they prove their ages?—A. By their parents.

Q. Were their parents sworn?—A. They were not.

Q. Who caught Sam Hill stealing?—A. Eddy Coker.

Q. Who told him he would not be prosecuted if he voted the democratic ticket?—A. E. Coker.

Q. Was it in your presence?—A. No; Samuel Hill told me so.

Q. Who caught Sol Yathon?—A. The same man.

Q. Who made the promise to him?—A. Eddy Coker.

Q. Who prevented Solomon Bostick from voting?—A. Edward Evans for one.

Q. Was he prevented or induced?—A. He did not vote; he was so induced.

Q. How do you know that Allston and Brack were prevented from voting the republican ticket by McCall?—A. I went to McCall's place to purchase some things from him and I was told that these things were promised to Allston and Brack if they voted the democratic ticket. I saw Mr. McCall, who said that these things were for Allston and Brack.

Q. You stated in your direct examination that a good many colored people staid away from the polls on account of the land pledge; how do you know this?—A. I heard certain parties tell me so, and I heard the democrats say that if they voted against them they would not rent lands nor furnish supplies.

Q. Estimate the number, if you can, at your precinct.—A. I think about a dozen that I can count up now, without further reflection.

Redirect:

Q. Do you know anything about Senator Maxwell, of Marlboro, being run out of that county by the armed demonstration of the white people? (Objected to as not in reply, and as leading.)

A. I do; I saw him when he came to Society Hill terribly frightened; he took the crank-car for Society Hill; could not afford to stay that near.

Q. You say in your cross-examination that troops were at Bennettsville and none at Society Hill; how many colored men voted the democratic ticket at Society Hill?—A. Three.

Q. Now, look at certified statement of the secretary of state of the vote at Bennettsville, where you say troops were, and say about how many colored men voted the democratic ticket there?

(Objected to; the paper not being in evidence, and the witness not speaking from knowledge.)

A. About 21.

Z. W. WINES.

Sworn to and subscribed to before me the 5th day of April, 1877.

[SEAL.]

FRANK F. TEICHER,

Notary Public.

ROBERT LUNNEY sworn.

Question. Who were the commissioners of election for Darlington County at the last election?—Answer. Myself, Benjamin Nasher, G. W. Dargan, the latter a democrat, and a lawyer of this town.

Q. For how long have you been a postmaster at this place?—A. Within one month of four years.

Q. Are you well acquainted with the people of the county?—A. I am pretty well acquainted with everybody within 12 or 14 miles all around this place.

Q. In the appointing managers of election for this county, how many democrats and republicans were appointed?—A. Two republicans and one democrat at each poll.

Q. What instructions did your board give the managers of election as to filing their oaths of office?—A. We instructed them to qualify before a notary public, and file the oath in the office of the clerk of the court.

Q. In whose charge was the clerk's office, and was it kept open for the transaction of business?—A. It was in the charge of C. K. Rogers, who was the deputy clerk, and attended to all the business of the office, which was kept open daily by him for the transaction of all business pertaining to the office.

Q. The clerk of the court, J. Wright, had been absent from the State for several months, had he not?—A. He had; and all the business done by Rogers in his name.

Q. What three tickets are those you hold in your hand?—A. The regular republican, the bogus democratic ticket, and the regular democratic ticket.

Q. What is the heading of the republican ticket?—A. Union republican ticket, with an eagle engraved, holding a banner in its mouth, with the word "Victory" inscribed on the banner.

Q. What is the heading of the bogus democratic ticket?—A. Exactly the same, both in red ink on white paper; a very little difference in size.

Q. Describe the regular democratic ticket.—A. Simply headed Darlington County; on plain white paper, a good deal longer and larger in size, and printed in black ink.

Q. On the regular democratic ticket where do the presidential electors appear?—A. At the bottom, without the names of Tilden and Hendricks.

Q. On the regular republican ticket and the bogus democratic ticket, where do the names of the presidential electors appear, and in what other respects do they resemble?—A. At the top; and they resemble by having the names of President and Vice-President printed on each.

Union republican ticket.

For President.—Rutherford B. Hayes.

For Vice-President.—William A. Wheeler.

For presidential electors.—At large: Christopher C. Bowen, John Win-smith. First district: Thomas B. Johnston. Second district: Timothy Hurley. Third district: William B. Nash. Fourth district: Wilson Cook. Fifth district: William F. Myers.

For governor.—Daniel H. Chamberlain.

For lieutenant-governor.—Richard H. Gleaves.

For secretary of state.—Henry E. Hayne.

For comptroller-general.—Thomas C. Dunn.

For State treasurer.—Francis L. Cardozo.

For attorney-general.—Robert B. Elliott.

For State superintendent of education.—John R. Tolbert.
For adjutant and inspector general.—James Kennedy.
For Forty-fifth Congress, first district.—Joseph H. Rainey.
For solicitor, fourth circuit.—Duncan D. McColl.
For house of representatives.—Richard H. Humbert, Samuel J. Keith, Zachariah Wines, Jackson A. Smith.
For sheriff.—Albert Baruch.
For clerk of court.—Theodore B. Gordon.
For judge of probate.—John Lunney.
For school commissioner.—Joshua E. Wilson.
For county commissioners.—Isaac P. Brockinton, Sylvester W. Williams, Boykin W. McIver.
For coroner.—Richard Lang.
Constitutional amendment.—Yes.

Union republican ticket.

For President.—Samuel J. Tilden.
For Vice-President.—Thomas A. Hendricks.
For presidential electors.—At large: Theo. G. Barker, Samuel McGowan. First district: John W. Harrington. Second district: John Isaac Ingram. Third district: William Wallace. Fourth district: John B. Erwin. Fifth district: Robert Aldrich.
For governor.—Wade Hampton.
For lieutenant-governor.—W. D. Simpson.
For secretary of state.—R. M. Sims.
For comptroller-general.—Johnson Hagood.
For State treasurer.—S. L. Leaphart.
For attorney-general.—James Conner.
For State superintendent of education.—H. S. Thompson.
For adjutant and inspector general.—E. W. Moise.
For Forty-fifth Congress, first district.—J. S. Richardson.
For solicitor, fourth circuit.—W. W. Sellers.
For house of representatives.—W. C. Coker, H. L. Morris, J. C. Clements, A. F. Edwards.
For sheriff.—J. A. Law.
For clerk of court.—William E. James.
For judge of probate.—T. George Dargan.
For school commissioner.—W. A. Brunson.
For county commissioners.—John Floyd, M. Marco, Solomon Bright.
For coroner.—M. A. Huggins.
Constitutional amendment.—Yes.

Darlington County.

For governor.—Wade Hampton.
Lieutenant-governor.—W. D. Simpson.
Secretary of state.—R. M. Sims.
Comptroller-general.—Johnson Hagood.
State treasurer.—S. L. Leaphart.
Attorney-general.—James Conner.
Superintendent of education.—H. S. Thompson.

Adjutant and inspector general.—E. W. Moise.

Congress, first district.—J. S. Richardson.

Solicitor, fourth circuit.—W. W. Sellers.

Representatives.—W. C. Coker, H. L. Morris, J. C. Clements, A. F. Edwards.

Sheriff.—J. A. Law.

Clerk of court.—William E. James.

Probate judge.—T. George Dargan.

School commissioner.—W. A. Brunson.

Coroner.—M. A. Huggins.

County commissioners.—John Floyd, M. Marco, Solomon Bright.

Constitutional amendment.—Yes.

For presidential electors.—At large: Theo. G. Barker, Samuel McGowan. First district: John W. Harrington. Second district: John Isaac Ingram. Third district: William Wallace. Fourth district: John B. Erwin. Fifth district: Robert Aldrich.

Q. Would it not be the easiest matter in the world to impose upon an ignorant republican voter with the bogus democratic ticket in the manner it is gotten up?—A. It would be very easy, and would deceive an intelligent voter if he did not read it; and I believe they were gotten up for the purpose of deceiving republican voters.

Q. Is it not a fact that the great majority of the republican voters are ignorant people?—A. It is.

Q. How was the democratic campaign in this county carried on; was it carried peaceably or with a great show of violence?—A. It was carried on in a manner that was calculated to intimidate and frighten the colored people and republicans generally.

Q. On the 4th day of November did you see the Timmons ville rifle-club come into Darlington?—A. I did see them come in, cheering, yelling; one man had a gun strapped across his back; saw another one in a wagon; all members were dressed in red shirts; nearly all had pistols strapped around their waists on the outside, and the one in front had the gun strapped across his shoulder. I was standing in the post-office door looking on, and one of them cursed me for a damned republican son of a bitch. I had not said one word. I saw a wagon in the rear of the procession covered with fodder said to contain guns; this was the same wagon had the gun exposed with a bayonet fixed; and the same wagon followed the procession on their homeward march, with the fodder over it.

Q. Were not their demonstrations in town that day of a very violent and threatening character?—A. They were; looked as if they were prepared for anything.

Q. At what poll were you on the day of election?—A. I was at No. 1 at the opening, and passed several times during the day from between No. 1 and No. 2.

Q. Did you hear anything of any guns being at or near poll No. 2 on that day?—A. I did not.

Q. What about poll No. 1?—A. I heard that the democrats had at the drug-store near poll No. 1 a lot of guns, pistols, and ammunition, which is about 40 yards from that poll.

Q. How many United States troops were there?—A. Ten or twelve, I think.

Q. Did they interfere in any way with the election?—A. None whatever.

Q. What influence did their presence have upon colored voters?—A.

It made them feel more secure in voting as they pleased; had no other effect.

Q. How near were the troops camped to either poll?—A. Nearly a quarter of a mile from poll No. 1 and much farther from poll No. 2.

Q. Were they not kept in their camp all day?—A. They were until the polls were closed, when, at the request of the democrats, a squad came up to guard the jail.

Q. Is it not a fact that at poll No. 1, which was nearest to the troops, and also close to the jail, in which it was said some militia guns were placed, all the colored persons voting the democratic ticket cast their ballots?—A. Yes; that at poll No. 2 all the colored vote was republican.

Q. Is it not a further fact that at Timmons ville, where nearly all the soldiers were that came into the county, that at this point the democrats got the largest colored vote that they got in the county?—A. It is a fact.

Q. Do you know anything about threats being made against colored people for voting the republican ticket?—A. I heard a good deal said about turning colored persons off from lands they rented if they did not vote the democratic ticket. One Dr. S. F. Barret told me before the election that he would not allow a single colored man to remain on his plantation if they did not vote the democratic ticket; as they owed him, he would take the last grain of corn from them and drive them off.

Q. Did not threats of this sort greatly distress the colored people?—A. It did, and was general. I think this affected the vote more than anything else, by causing colored men, some to stay at home, others to vote the democratic ticket, who, if let alone, would have voted the republican ticket.

Cross-examination:

Q. Can you say that any republican voters, and, if so, how many, were deceived by what you call the bogus democratic ticket?—A. I don't know of any.

Q. Can you say that any republican was forced to vote contrary to his wishes; if so, how many?—A. To my own knowledge I don't know of any.

Q. You speak of a show of violence by the democrats; have you reference to anything more than to squads of men, dressed in red shirts attending the democratic meeting?—A. Yes, and to their having pistols, revolvers, and in one or two instances guns.

Q. Do you know of any instances of actual violence?—A. I do not.

Q. On the 4th of November how many muskets or rifles did you see in the Timmons ville procession?—A. Saw two exposed, and saw a wagon said to contain others.

Q. Do you know that there were other arms?—A. I saw pistols—large horsemen's pistols—strapped around their waists.

Q. How do you know as to the strength of the democratic vote at Timmons ville?—A. I told this from the returns, showing the different returns, which I, as chairman of the board of canvassers, compiled.

Q. What was the purpose of your brother George's visit to Darlington about the 7th of November last?—A. To see his brothers and to cast his vote.

Q. Did he, or not, vote the republican ticket at poll No. 2?—A. I believe he did.

Q. Is he not a resident of Washington City; and, if so, how long?—A. He is not a resident of Washington city; is a citizen of South Carolina; temporarily at Washington in the employ of the United States Government.

Q. When did he leave Darlington?—A. About five years ago.

Q. Of what age was he when left South Carolina?—A. About 23 years old.

Q. How long had he been a resident of this State and county prior to his removal?—A. About three years, or more.

ROBERT LUNNEY.

Sworn to and subscribed to before me this 6th day of April, 1877.

[SEAL.]

FRANK F. TEICHER,

Notary Public.

JOSEPH DOUGLAS sworn:

Question. How long have you been a resident of this county?—
Answer. About 17 years.

Q. Were you in the county during the whole political campaign?—A. I was.

Q. Did you go to the Timmons ville meeting on the 4th of November last?—A. I did.

Q. Describe what you saw?—A. After leaving Darlington we crossed Jeffrey's Creek, where we met a body of armed men on horseback with red shirts coming from Timmons ville to Darlington; most all of them had rifles; those on horseback had them swung to them, those in the wagon had them in their hands. We met Henry Morris, a captain of one of the rifle-clubs. I said, "Colonel where are you going," to which he replied "We are going to go to your town," and he asked me where I was going, and I said, "To Timmons ville." "What for?" I said, "We have a meeting there to-day." He asked what kind of a meeting. I said, "A republican meeting." He replied "It is no use to go there, we have got it all right for the democrats." One of his wagoners drove against one of the republican wagons and broke it. I said to Mr. Morris, "Colonel that does not show courtesy to break a man's wagon down," to which he replied, "I don't care." We passed on, and this side of Dr. Cram's plantation, seven miles from Darlington, one of the red jackets hailed and said, "Is that you, Whittemore." Mr. Whittemore replied, "It is me." "Where the hell are you going; you are the very damned old rascal we want." Whittemore said, "Here I am; what purpose do you want me for." The red-jacket said, "You are one of the damned northern thieves we wanted to get hold of." Mr. Whittemore said, "If I done anything to you, prefer your charge against me." Another man, with name of Becks, rode up and said, "Come on boys, let the damued old son of a bitch alone, we git him to night coming back." We went on to Timmons ville without being disturbed, held our meeting, and a few questions were asked by the democratic party. They got through with the meeting a little after sunset, and had that night a torch-light procession. About the time we got through we started home for Darlington. Came to the cross street, passing the church, and we heard the democratic band coming back to Timmons ville. Mr. Whittemore said, "Boys, stop to let the returning procession pass by to avoid a collision." We did so. Becks, the captain of a democratic rifle-club, then said when he came up, "Let us break into these ranks; if we break in them we git that God damned Whittemore." We republicans replied, "If you brake our ranks you must get somebody else. You must keep your own street and go on." We had no more disturbance that night.

Q. About how many democrats were in that procession?—A. Some

300 or 400 coming into Timmons ville; when we met them in the morning they were 800 or 900 strong.

Q. What was the conduct of the democrats at republican meetings?—

A. Always disturbing at every one they could get.

Q. Did you ever see a republican during the last campaign disturb democratic meetings?—A. I did not; they would not show us any chance. At one meeting Jerry Smith attempted to ask a question and the democrats objected. Colonel Edwards replied to him he would have a green pasture for all republicans to graze on the coming spring.

Q. How long have you been jailer at this place?—A. Five years this February.

Q. How many of the militia guns were put into the jail before the election?—A. About a dozen on Monday evening; from seven to nine were militia guns, two double-barreled shot-guns, one an old musket. It was raining when they were brought there. Jack Smith said, "Boys carry the guns and put them away where they can be taken care of; we don't want them here; we don't intend to have any weapons of any kind near the polls to-morrow." They said they had no place now to put them. Jack Smith asked if the jailer was present, and I answered yes. He asked me if I had any safe place where to put those guns, and I said, I had; and he said, "Now boys, all of you having guns carry them up to the jail and Douglas will take care of them for you," and they did so, and I locked them up. We returned to the meeting. Smith then told me take care of the guns and keep them until after the election. The next day after the election I returned all the guns. I didn't want any guns seen until after the election. Kept them under lock all the time.

Q. At which poll were you at during the election?—A. At poll No. 1. In the morning, at gray daylight, it was raining pretty rapid; I got up and dressed myself; went up to see about tickets; got tickets; came on back. I met about 150 democrats there. I waited for a considerable time until most of them voted; spoke to Colonel J. A. Law, the democratic chairman, and told him that I had some friends to vote, and he said, "You can't come in, Douglas." I replied, "Colonel, your men have voted, let them get out of the way." He replied, "That is my business." I said, "Colonel, you treat me with contempt this morning; the men done voted are to get out of the way." He told his men to keep their places. I then saw him take a colored man, Peter McKeever, by the hand, lead him up to the poll, put a ticket into his hand, and voted the democratic ticket. He then took another one, Joe Dicks, by the hand and do the same thing. Stepped out again; got Jack King by the hand and gave him the same ticket to vote, and then I said, "Colonel, I don't like this; you give us no showing." To which he replied, "I don't calculate to give you a showing." I asked him why. His reply was, "We don't intend to live under radical rule any more." I said, "Colonel, we beat you anyhow." He replied, "If you do you are sorry for it. If you do beat us by the ballots we beat you by the bullets. I know where you got your guns stacked." I said, "We don't vote with guns, we vote with ballots." The men I alluded to were all colored men Colonel Law took by the hand. Then some one called Mr. Whittemore, who was a United States deputy marshal. Mr. Whittemore said to him, "Colonel Law, after your men voted you are to give way to others." He said to Mr. Whittemore, "This is none of your damned business;" but Mr. Whittemore said, "You must give way. I am deputy marshal, and I must see right and justice go on." Mr. Law then said, "I regard you no more than any other citizen." Mr. Whittemore then said, "I don't want you to regard me any more than any other citizen, but I want the right

to be done," he replied. Colonel Law said, "Your men have their arms stacked, and I know all about it." Mr. Whittemore said, "What arms have they?" He said, "They have guns concealed in jail." Mr. Whittemore called me and asked me about it. I told him a few were there, and I had them locked up and would not let any one have them until the election was over, but that they were not a circumstance to the guns the democrats had in the drug store, where they had 150 or more. Then Colonel Law gave orders to his men to give way, which they did. Colonel Edwards then took old man Gatson by the hand and made him vote the democratic ticket, which he did, crying. After that Colonel Law said to Mr. Whittemore in my presence that he would not disturb the election any more. The soldiers camped on the hill by Swift Creek, and the democrats reported to them that we had guns at the jail, and they put a guard there about the time the polls closed, and kept them there until 10 o'clock next day. We had no other disturbances at that poll.

Q. Did Mr. Whittemore interfere or prevent any voter from voting?—

A. He did not.

Q. Did these guns at the jail prevent any one from voting?—A. They did not.

Q. Did the troops prevent any one from voting?—A. They did not; everybody voted as they pleased, as far as the troops were concerned.

JOSEPH ^{his} + DOUGLAS.
mark.

Sworn to and subscribed to before me this 6th day of April, 1877.

FRANK F. TEICHER,
Notary Public.

I. A. SMITH sworn.

Question. How long have you been a citizen and a resident of this county?—Answer. About 43 years.

Q. Did you take an active part during the late campaign or not?—A. I did; I was the republican county chairman.

Q. On a fair vote in this county, what is the republican majority?—A. Between 1,400 and 1,500 majority. It has been as high as 1,800.

Q. How was this campaign conducted by the democrats?—A. With a show of violence and intimidation of the strongest nature.

Q. Where did the republicans of this county hold their first campaign meeting?—A. At Timmons ville.

Q. Did you attend that meeting?—A. I did.

Q. Previous to your going to that meeting, did you hear any threats that your meeting would be disturbed or broken up?—A. I did. There was a rumor that if we did not divide time with the democrats that the republicans could not speak there.

Q. Did not the democrats of the county attend at Timmons ville on that occasion in large numbers?—A. They did.

Q. Was it not publicly reported that the democrats should have one-half of the time, or that there should be no meeting?—A. It was so reported.

Q. Were not the colored people greatly alarmed for their personal safety on that occasion, and was not that the reason why the militia of Timmons ville attended that meeting as a company?—A. They were, and this was the reason that the militia company attended.

Q. Before the republican meeting first assembled on that occasion, were you in Timmons ville that morning?—A. I was.

Q. Did you see any armed white men?—A. I saw a lot of armed white men when I first arrived in town.

Q. At what point did the republicans first assemble on that day?—A. On a stand, built by the democrats and republicans. I mean by the democrats and republicans of Timmons ville.

Q. Had the republicans of the county in any way agreed to a joint discussion at Timmons ville on that day?—A. They did not.

Q. Please tell us what occurred at that meeting.—A. Seeing the democrats bearing arms, school-boys from twelve to fifteen years old, seeing those men in arms, I, as the county chairman, felt that it would not be safe for a joint discussion. I consulted with the democratic county chairman and the other leading republicans. The county chairman, on the part of the democrats, promised that he would guarantee that there would not be any collision, but the leading republicans, with me as chairman, with the threatening outlook, were not willing to risk it, and withdrew the republicans a half of a mile from the stand that was built jointly, and commenced speaking. We were not interrupted, only by a democratic committee of five, to insist on a joint discussion. We refused a second time, seeing that the violence was still existing, and we went on. Towards the end of the speaking, the second committee of five came to ask us if they could come to listen to the speeches, and were allowed to do so. They came, between three and four hundred, mounted and footmen, and armed with sixteen-shooter double-barrel guns. One Bill Oliver had a wallet of pistols. They came up and surrounded the wagon on which we were speaking. The republicans then adjourned and left.

Q. The William Oliver that you speak of, don't you know that he has for the last four years resisted and defied the process of the law in this county?—A. He has.

Q. On the occasion of this meeting at Timmons ville, did you not consider a collision or bloodshed as imminent?—A. It was imminent. Colored people were frightened, and so much so during the first speech that the colored people commenced to run as soon as they learned that the democrats were coming down. There was some noise. I think a horse broke loose, and they commenced to run. I begged them to be easy.

Q. Did you attend the meeting at Timmons ville, November 4, 1876?—A. I did.

Q. Who did you meet as you were going to Timmons ville that morning?—A. We met the Timmons ville rifle-club and a club from Cartersville; in all, about three or four different clubs; had uniforms of different styles; they were cursing as we were passing each other; hurrahed for Hampton, we for Chamberlain, and nothing more serious occurred passing each other; a few men were there had their guns; I did not see more than three or four guns; did not see any pistols. We went on to Timmons ville and had our meeting; had a torch-light procession, and delayed after the procession in Timmons ville for fear of having a collision with them on their return. When they did come in they did attempt to ride into our procession, but we stood up manfully and prevented them.

Q. In your opinion, did not the threatened violence of the democrats during the campaign, and their threats of not renting lands, &c., cause many republicans to vote the democratic ticket against their wishes?—A. I do believe it did.

Q. How many guns were stored at the jail here on the day previous to the election, and what were they placed there for?—A. Rumors were afloat that the democrats intended to destroy the ballot-box, and the

guns were put there to protect the box in case that there should be any such attempt made.

Q. What effect did the presence of the troops have upon colored voters?—A. Not any; they did not come near the box at all.

(Contestant's counsel objects to a leading question, hearsay, and expression of opinions.)

Cross-examination :

Q. Were you not a candidate for office on the republican ticket?—A. I was a candidate for re-election for the general assembly.

Q. Was it not a fact that good feeling prevailed between the two parties here up to a short time before the election?—A. It was not.

Q. Do you mean to say that bad feeling had always prevailed between the two parties?—A. I do not say always; but I do say that from the first meeting held by the democrats in January or February, called by Major Harley, then the county democratic chairman, at that meeting openly and publicly declared it was the determination on the part of the democrats to carry this election by fair means if they could, but to carry it at whatever it might cost. From that time a spirit of antagonism between the two parties commenced, and seeming on the part of the democrats to grow stronger up to the day of election, of a violent nature all the way up.

Q. Do you not know that D. H. Chamberlain, the republican governor of this State, was the favorite candidate with the democrats up to July, 1876?—A. I do not know it, but believe it to be so.

Q. Did not you and other prominent republicans up to that time favor and advocate a compromise between the two parties?—A. I did not.

Q. Were not overtures made to certain democrats by republicans looking to a compromise?—A. There were; but there was a resolution adopted in January or February, made here by the county chairman, to accept no compromise whatever; this was by the democrats.

Q. Had the democrats, in any election since 1868, ever before put in the field the full democratic ticket?—A. I think not.

Q. Had they not at every election before the last nominated and voted for republicans as well as democrats?—A. At no election since 1868, until the last election, did they nominate a straight-out democratic ticket.

Q. Was not more earnestness and activity displayed by the democrats in the last campaign than there ever were before?—A. There was. They used every means under the sun. They got out every white man; compelled white republicans to come back to the democrats by ostracism and threats and violence; and on the part of the colored, they said to them, "You must vote with us or you cannot rent our lands or we cannot employ you; nor can you rent our houses, or furnish you supplies, or show you any favors whatever, if you dare vote against us."

Q. How many of the lost sheep came back into the democratic fold?—A. Philip Lowenthal, Isaac Lowenthal, B. White, George Wright, Samuel Marco, Griffin Hollman. The last one told me he was whipped and threatened to be lynched by Muldrow McCall. About twenty, all told, came back.

Q. How many of these men were compelled, and who compelled them?—A. It was the policy adopted by the democrats to force them back.

Q. Please answer the foregoing question.—A. I know of one other, Hamp Pitkins.

Q. Who compelled Hamp Pitkins?—A. The party general—women and children.

Q. Name any other who was so compelled.—A. A. S. White told me that he was terribly worried when he did go home about his politics.

Q. Do you mean to say that physical force was employed to induce these men to join the democratic party?—A. I said that every means that possibly could be used were employed, and force was used in one instance.

Q. How much force was employed by republicans to prevent members of their own party from deserting them?—A. No violence used that I know of by republicans, only talk; holding up to them their duty.

Q. Is it not a fact that colored men, in sympathy with the democratic party, was subjected to insults?—A. I don't know of my own knowledge.

Q. Was it not a matter of notoriety?—A. It is a general thing that, if a colored man deserted the party, the colored men treated him coolly.

Q. Don't you know that Rossa McIntosh was set upon and beat on account of his politics?—A. The woman charged with it said she did it because he put his arm around her.

Q. In your speeches during the campaign what use did you make of the threatened introduction of United States troops into the State?—A. I made none.

Q. Did you not say that the President was a republican, and that the Army was going to be sent here in the interest of the party, or words of like effect?—A. I don't doubt saying that the President was a republican, but I did not know of the coming of the troops.

Q. Upon the occasion of the first Timmons ville meeting you say you declined a joint discussion, fearing a collision; is it not a fact that joint discussions were not allowed in the campaign for fear that the democrats would gain converts from your ranks?—A. I did not regard it in that light; we have men that were insulting, and so have the democrats, and feared a collision, as they were armed all the time.

Q. Why was it that the republican leaders endeavored to keep their people from attending the democratic meetings?—A. The reason was, as the democrats were armed we kept our people away from them in order to avoid a collision; at our meetings, even, we had given them orders not to mix up with the democrats; on one occasion the republicans violated this order, in the town of Darlington, and one colored man was shot; and this liked to cause a terrible outbreak.

Q. Can you say upon your oath that this man was shot on account of politics?—A. I could not swear that he was or was not; I only know that he was shot, and this caused a terrible excitement, and took a great amount of work to quiet and restore order between the two races.

Q. Don't you know that whisky was at the bottom of it?—A. I do not know whether it was whisky or not; but I do know the party who fired the pistol was one of the Kellys, a known desperado.

Q. Were you not, as republican chairman, frequently invited to have your people and your speakers attend the democratic meetings with the assurance that there would be no trouble and that your speakers should have a respectful hearing?—A. Only one invitation was given.

Q. Why was it declined?—A. Because the democrats were always armed to the teeth, and to avoid collision.

Q. Upon the occasion of the first Timmons ville meeting I understand you to say that your people armed themselves because of arms in the hands of the democrats; is it not a fact that you went to that meeting armed?—A. We did not as a whole. The militia turned out that day,

as a day or two previous to the meeting there was a rumor afloat that the democrats were determined to have half of the time.

Q. Do you mean to say that there were no armed republicans at that meeting except the militia?—A. As far as I know there were no guns, except the militia, among the crowd.

Q. How many militia-men were there under arms?—A. I guess there might have been a hundred.

Q. Do you say that the republicans adjourned their meeting in consequence of armed democrats having surrounded their stand?—A. I did not say so.

Q. Did they adjourn for any other reason than because they got through?—A. No.

Q. If you apprehended that poll No. 1 at Darlington precinct was in danger from the democrats, why was it that the officer commanding the detachment of United States troops at this point was not notified of this fact?—A. I do not know.

Redirect:

Q. You were asked if D. H. Chamberlain was not the favorite candidate for governor on the part of the democrats up to July, 1876; was not he and the News and Courier both greatly abused for the stand taken in regard to the Hamburg massacre by the democrats?

(Objected to as not in reply.)

A. They were.

Q. Was not M. C. Butler, who was charged with being the leader in that affair, the party who, in the democratic State convention, led the opposition to Chamberlain's renomination?

(Objected to as not in reply.)

A. It was so.

Q. Is it not a fact that the democratic delegates to the State convention from this county were there as Chamberlain men under instructions and came home Hampton men?—A. They did.

J. A. SMITH.

Sworn to and subscribed to before me this 6th day of April, 1877.

FRANK F. TEICHER,

Notary Public.

T. B. GORDON sworn.

Question. For the past two years you have been county commissioner?—Answer. I have; and acted as clerk for the sheriff of this county.

Q. Are you not familiar with the people of this county?—A. I am, in all parts of it.

Q. Were you in the county during the last campaign?—A. I was, and took a very active part in it.

Q. How was the campaign conducted by the democrats?—A. With a great show of violence.

Q. Were not the republicans of this county, in consequence of the violent character of the campaign and demonstrations, apprehensive of collision and bloodshed?—A. They were. The campaign opened at Timmons ville. Before that meeting came off, heard that threats had been made to break up our meeting, and that a force of twelve or fifteen hundred armed (democrats) men would be at Timmons ville that day. The arrangement for having these men there is said to have been made

between Early, of Darlington, and Ragsdale, of Timmons ville. In proof of these threats, I saw a letter written by Ragsdale, which I recognized as being his handwriting, requesting Mr. Early to bring as many armed men as possible from Darlington, and to have as many mounted men as possible, as they would make a great show and frighten the negroes. This was the precise meaning.

(Objected to, the letter not being produced. The letter is in possession of Mr. Whittemore, and is not in the State.)

When I got to Timmons ville, I did not see any armed men, but, owing to the threats previously made, and in order to avoid a collision when they demanded one-half of the time, we moved to another place to have our meeting. After we got to the new place, a large body of men moved up from Timmons ville and took possession of the stand. After some time elapsed they came to our meeting, armed and mostly on horseback, and surrounded the stand on two sides. I saw upward of fifty armed men with guns. Oliver had seven visible pistols buckled around him; most of the men had their guns resting on their saddles, and sat on their horses in front of the stand. Saw no attempt of violence.

Q. Were there not some colored men there with arms, besides the militia?—A. Yes; I had one myself, because I saw every white man leaving Darlington that morning carrying guns. I borrowed the gun I carried.

Q. Is it not a fact that, during the campaign in this county, a great many rifle-clubs were organized?—A. I seen a great many parading had red shirts and guns.

Q. Did you attend the Timmons ville meeting on the 4th of November?—A. I did.

Q. Did you meet any of these companies that day as you were going to Timmons ville?—A. I saw several companies, don't know how many, dressed in different uniforms.

Q. Did you see any guns on that occasion?—A. I saw a good many men scattered through the companies with rifles strapped to their backs.

Q. Do you know of a wagon following this procession?—A. I saw one wagon following the procession, or in the procession.

Q. Do you know what this wagon contained?—A. Not to my own knowledge. I heard parties remark, after it had passed me, "Look at that wagon-load of guns," and I looked, but there was so much dust intervening that I could not see anything. After I came back to Darlington, several parties told me that a wagon came in with one of the Timmons ville companies loaded with arms.

(Objected to as hearsay.)

Q. Do you know anything of arms brought to this county and distributed by the democrats?—A. I saw an oblong box, in town here, on a wagon, and in the same wagon was a box similar to those containing metallic cartridges. They were marked "Horace Wilson, Mechanicsville," in this county. About the same time, I saw another similar box come and stop in town.

Q. From all you saw of these boxes, were you not assured they contained guns?

(Objected to, as suggesting answer.)

A. I felt perfectly sure of it.

(Objected to, as opinion.)

Q. Were there any armed colored organizations in this county except the militia companies?—A. None, to my knowledge.

Q. In your opinion, what effect did the demonstration of these rifle-

clubs, and the threats of not renting lands, have upon the colored voters?—A. It had the effect of intimidating them, or to vote with the democrats against their wishes, or stay at home. I know of over 25 who told me that they did not vote on that account.

(Objected to, as hearsay and opinion.)

Q. What effect did the presence of troops have upon the colored voters?—A. None, to my knowledge, except that it caused a feeling of security, and that they would not be injured by these organizations they had seen parading about. The general impression among the colored people was that the troops came here to see that they should vote as they pleased.

Cross-examination :

Q. Did not an impression prevail among the colored men that the troops were sent here in the interest of the republican party?—A. Not to my knowledge.

Q. Did not the republicans hail their coming in lively expressions, with satisfaction?—A. They did, for the reason that they had no arms, and that the troops came to preserve the peace.

Q. Were there any arms in the hands of republicans who went in a body from Darlington to Timmons ville on the 4th day of November last?—A. Of my own knowledge I cannot say. I had a pistol.

Q. Is it not within your knowledge that those men returning to Darlington late at night discharged fire-arms in the streets?—A. In the streets of Darlington I heard a number of pistols fired.

Q. Can you undertake to say that the so-called rifle-clubs prevented any colored voter from voting as he pleased?—A. I do.

Q. Name the men so prevented.—A. Quite a number of them; cannot think of their names at present. A dozen or more told me so; some at Timmons ville, Leavensworth, and Society Hill were the principal points.

Q. This notwithstanding the presence of the conservators of the peace, and of their liberty to vote as they pleased, in the shape of United States soldiers?—A. There were no soldiers at Leavensworth nor Society Hill; and at the points where they were, it was not generally known.

Q. Was it not generally known in the vicinity of Timmons ville that troops were stationed there?—A. Since the election several men have told me who live near there that their employers told them that there were none there, and advised them not to go to the polls, and they did not go there.

Q. Did those men say they were afraid to go and vote?—A. Some of them did; some of them voted at other polls.

THEO. B. GORDON.

Sworn to and subscribed to before me this 6th day of April, 1877.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

Dr. JOHN LUNNEY sworn.

Question. Who was the census-taker of Darlington County at the taking of the census in 1875?—Answer. I was, for Darlington County.

Q. How many white males were found to be in the above county over twenty-one years of age?—A. Two thousand three hundred and sixty-two.

Q. How many colored males over twenty-one years of age?—A. Three thousand seven hundred and forty-seven.

Q. How many white persons voted in this county at the last election?—A. Two thousand five hundred and forty-three.

Q. How many colored persons voted?—A. Three thousand seven hundred and twenty-seven.

Q. By this I see that the colored vote was below the census 20 votes, and the white vote exceeded the census by 181 votes. Am I correct in this?—A. You are.

Q. Did you take any part in the late campaign?—A. I attended several republican meetings, but did not speak at all.

Q. Was the campaign conducted by the democrats peaceful, or with a great show of violence?—A. It was conducted with a great show of violence from the opening to the close.

Q. Did you attend the second meeting at Timmons ville?—A. I did.

Q. Do you remember, as you were going to Timmons ville that day, seeing the rifle-club coming from that point?—A. I do. We met them on the road, and they cursed and abused us as we passed.

Q. How were they dressed and armed?—A. Some had red shirts, others pieces of red flannel on their hats, some had red flannel on their boots, and had pistols strapped around them on the outside.

Q. Do you remember the coming out of Timmons ville that night by the republicans?—A. I do. We had to halt a long time in order to avoid a collision with the rifle-clubs that were returning to Timmons ville.

Q. You are an intelligent man; and I will ask you if the republicans of this county, from the demonstrations and conduct of the democrats, were not in constant apprehension of collision and bloodshed during the campaign?—A. We were; and it was only prevented by the greatest forbearance on the part of the republicans, and it was averted.

Q. Contestant's attorney has introduced in the cross-examination (in evidence, Exhibit A, page 71) a pledge universally adopted in this county by the land-owners. What effect did pledges of this sort, and the violent demonstration of the democrats, have upon the colored voters?—A. It compelled a great many to vote the democratic ticket who otherwise would not have done so.

Q. What effect did the introduction of troops have upon the colored voters of this county?—A. It had no effect, except to give them assurances of protection to vote as they pleased. The majority did not know that the troops were here, and they were not seen at or near the polls during the election.

Q. Were colored men molested or interfered with by their own color for voting the democratic ticket?—A. They were not. I passed frequently between the two polls in town during the last election, and did not see or hear anything of the kind.

Q. Did not the democrats have a committee at each of the polls with a list of the names of voters, and marking opposite the name of each voter as soon as he voted how he voted?—A. They had one at each poll who had a little book, in which the greater part of the names of the voters were printed and some written, and stood immediately at the ballot-box, and, as each voter voted, they would mark opposite his name how each man voted—with a letter "D" or "R" to designate the ticket he had voted.

Cross-examination:

Q. How long have you resided in Darlington County?—A. A little over ten years.

Q. Where did you reside previous to that?—A. At Philadelphia.

Q. You came here with the United States Army, and remained here since?—A. I did.

Q. Have you not continuously since your residence here held office under the republican government of this State?—A. Nearly all the time, either from the government of this state or the United States.

Q. How are you able to state how many white people voted at the last election in this county?—A. I saw and helped to make out the official returns.

Q. Do you know of any actual violence done by democrats in the late campaign?—A. Know of one colored man being shot; extracted the ball myself.

Q. Have you reference to the person who was shot by one Kelly, on what is known as the Hampton's day?—A. I have.

Q. That was the only instance coming within your knowledge?—A. It is.

Q. With reference to the meeting at Timmons ville on the 4th of November last, did not the republicans remain in town for the purpose of having a torchlight procession?—A. They did.

Q. Do you think that this policy of force and bloodshed was calculated to aid the democracy in the last campaign?—A. I do not; it was calculated to injure them, and they found this out, and gave it up.

Q. When did they begin that policy, and when did they change it?—A. In the early part of the campaign, and when they found out it would not do they changed it.

Q. How many ounces of blood were spilled by democrats during the late campaign in this county?—A. I don't know.

Q. Was there a drop of blood spilled in Darlington County from political motives?—A. I don't know that there was.

Q. Had there been would you not have heard of it?—A. I would.

Q. What do you mean by a show of violence in your direct examination?—A. The carrying of arms or weapons in the early part of the campaign, and to meetings.

Q. Was this carrying of arms confined to the democratic party?—A. It was not.

Q. With reference to the land-pledge, can you say on oath that it caused a single man to vote the democratic ticket, or to refrain from voting the republican ticket?—A. I believe a great many voted the democratic ticket for fear of being turned off.

Q. Can you say what motives induced the colored men to vote with the democrats, or what refrained them from voting?—A. I cannot say, but believe fear of being turned off their plantation, where they had rented lands.

Q. Were there not republican clubs in existence in Darlington County as well as democratic?—A. I know of two—one at Darlington, one at Whipple's place.

Q. Was Captain Whipple's club mounted?—A. Yes; they came mounted to Timmons ville and several other meetings. They were uniformed.

Q. On the day of the grand republican rally at Darlington, did you not see quite a number of mounted men in procession?—A. They were in procession; don't know that they belonged to any organizations; were told to come to town mounted for the purpose of making a good display.

Q. Two bodies of men were in line and under leaders?—A. The procession was arranged and under the command of a marshal; the different bodies of men appeared to be under leaders.

Q. As a set-off for the Hampton cavalry?—A. Yes; the purpose was to make as great a display as possible.

JOHN LUNNEY.

Sworn to and subscribed before me this 6th day of April, 1877.

[SEAL.]

FRANK F. TEICHER,

Notary Public.

E. H. DEAS sworn.

Q. At what poll in this precinct were you on the day of the last general election?—A. At Florence.

Q. In what capacity were you acting that day?—A. As United States deputy marshal.

Q. Did you on that day in any way interfere or prevent any voter from voting as they wished to?—A. I did not.

Q. It is charged by witness for contestant that a man by the name of Jack Johnson prevented another man from voting the democratic ticket at Florence. What do you know about it?—A. He did not do it. The man was brought to the poll by two or three white men, and was the son of Jack Johnson, and he said, "My son, what is the matter; are you yet a slave?" He replied, "No, sir; they were trying to get me to vote this democratic ticket;" and handed the ticket to his father, who asked him if he was going to vote it, and he replied, "No, that they were worrying all the morning, and that he could not get away from them." The old man then came to me and complained about the matter and handed me the ticket, which I put into my pocket.

Q. Were you at the first meeting at Timmons ville?—A. I was.

Q. Please state what you saw that day.—A. When we got there we found about 1,200 or 1,500 democrats, armed and dressed in red shirts, with rifles, double-barrel shot-guns, and pistols. The democrats were anxious to have a joint discussion and asked the county chairman would they agree to it. He replied that he could not tell them until the rest of the speakers would arrive. When B. F. Whittemore, with the rest of the speakers came, Colonel Law, the democratic county chairman, with several others, consulted with Mr. Whittemore and others of our speakers as to a joint discussion, and he told them that he would not have a joint discussion under any circumstances with them, for they had defied him to come there to speak and they would bring on a row. The democrats said that if they spoke at the stand they would have a joint discussion, and we moved to another place. They sent committees twice again for a joint discussion, which was put to the meeting and refused. Afterward they came up before we concluded the speaking, and surrounded us on all sides. I heard that J. S. Richardson was in the crowd, but did not see him, and I heard that a gun had been presented at Whittemore. Most of them held their guns up. Our meeting soon adjourned, and I left immediately. There was a great show of violence at this meeting on the part of the democrats. I was also present at the second Timmons ville meeting, held by republicans, on the 4th day of November, 1876. A great deal of violence was threatened on that day to B. F. Whittemore and the rest of the speakers; also a great deal of threats on the street, and they cursed and abused Mr. Whittemore on the road to Timmons ville that morning. I saw the rifle-clubs on that morning myself; some had rifles, others pistols. While they were abusing Mr. Whittemore, it was reported that the rifle-club had attacked Whipple's torchlight procession, and the democrats all ran for their guns, saying

that if the others had a row, they would clean up what was in Timmons-ville. It came so near being a row that I called upon the troops, but they declined to act except the request was made in writing. I told them that I would do so as soon as they commenced firing; this was on the Saturday before the election. On being about to leave Timmons-ville, we encountered the rifle-club, which tried to break our ranks. They threatened to fire if we did not break ranks; we gave them one-half of the road.

Q. It is charged that on the day Rainey, Elliot, and others spoke at Darlington, Mr. Richardson was not allowed to address the republican meeting; is it not a fact that the meetings are always utterly controlled by the county chairman?—A. Entirely by the county chairman, and I never heard of Mr. Richardson being present at that meeting, and know that no demand to speak was made by a democrat, I having been on the stand all the time.

Q. Did the republicans have any arms at or near the polls at Florence?—A. They did not; but the democrats did in their club-room, which was occupied by them all day.

Q. How many troops were at Florence?—A. About 10, and they were about one-fourth of a mile from the polls. They had an opportunity of getting quarters nearer to the polls, but they refused to take them, wanting to get off as far as they could from the polls at the day of election, and they were not allowed to go about.

Q. Did the presence of troops prevent any one from voting?—A. It did not.

Q. What effect did the violence of the campaign and the threats not to rent lands or give supplies have upon the colored voters?—A. It kept a good many from voting, and caused others to vote the democratic ticket, who would not otherwise have done so.

(The counsel for contestant objects to the introduction of the foregoing testimony for the reason that the notice given was insufficient as to time, being sworn on the 4th instant, at Darlington Court-House; also objects to all leading questions, hearsay, and opinion. Contestee's attorney states that said notice was sworn at Darlington Court-House at the time mentioned, and is within the time allowed by law.)

Cross-examination :

Q. At the first beginning of the meeting was there any actual violence on the part of anybody?—A. No actual violence; simply threats.

Q. Both parties were armed?—A. They were; the democrats had more arms than the republicans.

Q. On the occasion of the second Timmons-ville meeting, on the 4th of November, did you go with the republican crowd from Darlington?—A. No; I went from Florence.

Q. How, then, do you know what happened between Darlington and Timmons-ville?—A. I heard it from a person riding on horseback at full speed, saying that democrats had attacked Whipple's torch-light procession.

Q. Did the troops turn out?—A. They told me I was to find out first whether they were fighting, and to make my demand in writing.

Q. Did you find out?—A. I did; nothing more than words, abuses, and curses to Mr. Whittemore.

Q. This you gained from what parties told you?—A. I did.

Q. How do you know that the club returning to Timmons-ville was the rifle-club?—A. Saw them with their rifles.

Q. How many rifles did you see?—A. A string a quarter of a mile long.

Q. Do you say that you know that J. S. Richardson did not request the privilege of addressing his republican fellow-citizens at the Darlington meeting, and was denied the privilege?—A. He did not request to be heard.

Q. At Florence, on election-day, did you go into the democratic club-room?—A. I did not.

Q. How many arms did the democrats have stored there?—A. I don't know how many; saw them carried there during the night before the election.

Q. How many arms had the republicans at the school-house in Florence the night before the election?—A. Not any that I saw, and I could have seen them unless they were concealed.

Q. How many men of your knowledge voted the democratic ticket, or refrained from voting, by reason of the land-pledge?—A. Seventeen men voted the democratic ticket, and nineteen did not vote at all, at Florence.

Q. You have reference to the whole number of colored men voting the democratic ticket at that precinct or staying away at that poll.—A. I have.

Q. Can you undertake to say on oath what motives actuated every one of the men?—A. Two or three were inclined democratic before, and the rest were threatened by the land-pledge, and threatened to discharge, and bribery.

Q. Who was bribed, and who done the bribing?—A. It was a general thing. Rufus Bennett told me that he had paid something on a lot in Florence, and if he voted the republican ticket he would lose what he had paid on the lot; and four men were carried into the swamp, Andrew Gibbs, James Antrim, J. Miles, Henry Black, enticed to go hunting that day; it is impossible to say; but John Fox carried them to the swamps.

Q. Why did they go?—A. They were bought and persuaded to keep them from voting the republican ticket.

Q. Who bought them?—A. I don't want to see my informers discharged.

Q. I demand the answer.—A. I will not answer. Albert White is one; I forget the rest.

Q. Can you say as to the motives actuating any colored men, except those named by you?—A. I cannot give any other except the ones given.

Q. You were asked what effect the violence of the campaign had upon colored voters; did you see any actual violence?—A. No more than threats, bribery, and intimidation.

Q. Do you know any instances, except those already detailed by you?—A. C. Weeks and Samuel Izea were discharged by T. S. Gaillard on account of their politics; S. Izea made an affidavit before the United States commissioner, Baker, who had him arrested. He was arraigned before the United States court, and, I heard, a true bill found against him.

Q. You say that Jack Johnson did not take the vote from the hands of his son?—A. His son handed it to him.

Q. Who put the republican ticket in the hands of William Johnson?—A. I don't know; he came up with two tickets in his hand.

Q. Which ticket did he give up?—A. The democratic ticket.

Q. You say he did so without compulsion?—A. He did.

Q. Was there any unusual disorder in the town of Florence during the latter part of the summer and the early part of the fall?—A. Not actual.

Redirect:

Q. Was there not, just before the election, a great deal of excitement?—A. There was.

EDMUND H. DEAS.

Sworn to and subscribed to before me this 7th day of April, 1877.

FRANK F. TEICHER,
Notary Public.

L. L. HUNTER sworn.

Question. At what poll were you at the last election in this county?—
Answer. I was a deputy United States marshal at Lisbon.

Q. Who was the United States supervisor for the republicans at that poll?—A. J. Gatlin.

Q. When the polls were closed and the votes were counted, what took place?—A. Just about dusk a great many white men were there, and at dark they formed a line on cross-roads, making threats what they intended to do, hurrahing for Hampton. There was one man, with name of Lawrence Spencer, who made some heavy threats, and threatened to kill J. Gatlin, the supervisor, and two more. S. Moore was one, the other name he did not give.

Q. Did you feel in danger of your life?—A. I did, in great danger. They threatened to kill Gatlin and Moore, and one other, and if we went to Darlington that night they intended to kill us. They were all white men, and nearly one-half of them had on red shirts.

Q. In coming to Darlington did you have to come a great deal out of your way in consequence of said threats?

(Objected to as leading.)

A. We had. Before the polls closed, I went to the house where the votes were counted; met Lawrence Spencer carrying a quart of liquor in it. He was requested to leave the room, but he refused to do so. After he went out, in the direction of Darlington, taking others with him, he himself came back. We traveled between ten or eleven miles out of our direct way, in coming to Darlington, in consequence of said threats.

Cross-examination:

Q. Did you meet anybody that night on the way?—A. We did.

Q. Were you offered any violence?—A. Not after we left there.

Q. What is the distance from Darlington to Elizabeth?—A. Seventeen miles.

Q. At what time did you arrive in Darlington?—A. After midnight.

Q. What time did you leave Elizabeth?—A. I don't know exactly; think about 9 o'clock.

Q. How did you travel?—A. In a buggy.

Q. Lawrence Spencer was intoxicated, you say?—A. I think he was drinking.

Q. He drew no weapon?—A. None that I seen; he fired off his pistol before we left.

Q. You say that his imprudence was checked by his friends?—A. He was stopped when he brought the whisky into the house; he was asked to behave himself and go out; he went out.

Q. Who said that if you went Darlington that night you would be

killed?—A. Lawrence Spencer the only one I know; there were others that I did not know.

Q. Which party was ahead at Lisbon precinct?—A. The democrats.

Redirect:

Q. These men at the time they were making threats against the supervisor and others, were they stopped?—A. No, they were not.

L. L. HUNTER,

Sworn to and subscribed to before me this 7th day of April, 1877.

FRANK F. TEICHER,

Notary Public.

C. K. ROGERS sworn.

Question. You are clerk of the court for this county?—Answer. I am.

Q. Who was your predecessor in office?—A. I. Wright.

Q. During the time he was clerk what position did you hold?—A. As deputy clerk, and attended to all the duties of the office.

Q. During the early part of last year did not Mr. Wright go out of the State for his health?—A. He did, about April.

Q. Between that time and the time when you secured the appointment of clerk, and up to this time, have you not always kept that office open for the transaction of business of the office?—A. I did.

Q. Previous to the day of election did not the managers of election for this county file with you in that office their oaths of office?—A. They did. I cannot say that every one did, as I have not looked especially for that purpose.

Q. Did not the democratic commissioner of elections say to you that he deemed the filing in the clerk's office with you the oaths of the managers in every way sufficient, or words to that effect?

(Objected to as suggesting answer and as calling for hearsay.)

A. He did, in words to that effect.

Q. Were not all other papers, such as deeds, mortgages, and other records, regularly filed in this office during the time immediately preceding the election, when Mr. Wright was said to have been dead?—A. They were; and I kept the office open regularly as usual.

Cross-examination:

Q. How long an interregnum elapsed between the death of Wright and your appointment and qualification as clerk?—A. The news of his death reached me on the 25th day of October. I was appointed October 30, 1876, and gave bond on the 4th, and approved on the 7th of December.

Q. When was I. Wright said to have died?—A. On the 20th day of October.

Q. Is it not a fact that the oaths of the managers, referred to as being filed with you, were so filed after the death of Wright, and before your qualification as clerk?—A. It is.

Q. Is it not within your knowledge that, during the interregnum referred to above, certain business was held back from the office awaiting the qualification of the new clerk?—A. I know of a very little; there were one or two cases.

Redirect:

Q. Between the time that Wright was reported to be dead and your giving bond, did you not keep the office open and the business as usual?—A. I did.

Q. Did you not have your appointment as clerk before the oaths of the managars were filed?—A. They were filed in November, except one, which was on the 30th day of October, and all previous to the election. I was appointed clerk on the 30th day of October.

CHAS. K. ROGERS.

Sworn to and subscribed to before me this 7th day of April, 1877.

(Objected to, the notice served being insufficient as to time; served April 4, 1877, at Darlington Court-House.)

UNITED STATES OF AMERICA,

The State of South Carolina, First Congressional District:

JOHN S. RICHARDSON, CONTESTANT, }
 against } Congressional election, Forty-fifth
 JOSEPH H. RAINEY, CONTESTEE. } Congress.

I, Frank F. Teicher, notary public of said State, do hereby certify that the foregoing one hundred and sixty pages of testimony was taken by me on behalf of the contestee, J. H. Rainey, at Darlington C. H., in Darlington County, South Carolina, commencing on the third day of April, instant, in accordance with the notice attached, and adjourning from day to day, and concluding on the seventh day of April, instant. The testimony of each of said witnesses, after they were each duly sworn, was reduced to writing by me and read over to them, and subscribed by them after being so read.

Given under my hand and seal this seventh day of April, 1877.

[SEAL.]

FRANK F. TEICHER,

Notary Public.

No. 17.

DEPOSITIONS TAKEN AT FLORENCE, S. C.

UNITED STATES OF AMERICA:

State of South Carolina, First Congressional District:

JOHN S. RICHARDSON, CONTESTANT, }
 vs. }
 JOSEPH H. RAINEY, CONTESTEE. }

The contestant or his attorney will please take notice that at Florence, in Darlington County, South Carolina, before F. F. Teicher, notary public, contestee will examine and take the testimony of Isaac Rafra, Jarratt Hill, Joshua Daniels, Stephen Jett, Benjamin Jackson, Wesley Denis, and Edwin Jackson, to be used on the hearing of above case, all residents of said county, on the 10th instant, to continue from day to day till completed.

D. D. McCOLL,
Attorney for

UNITED STATES OF AMERICA,

State of South Carolina, County of Darlington:

JOHN S. RICHARDSON, CONTESTANT, }
 vs. } Contested congressional election.
 JOSEPH H. RAINEY, CONTESTEE. }

Col. John S. Richardson will please take notice that on the 12th instant, at Florence, in Darlington County, S. C., before F. F. Teicher,

notary public, the contestee will examine as a witness on his behalf, in above-stated case, D. D. McColl, a resident of Marlborough County, S. C. April 10, 1877.

J. H. RAINEY,
Contestee.

Also, at same time and place, before same officer, contestee will also examine as witnesses on his behalf in said case C. R. Howe, Scott Nettles, A. W. White, P. N. Andrews, all residents of Darlington County, S. C. April 10, 1877.

J. H. RAINEY,
Contestee.

UNITED STATES OF AMERICA,
State of South Carolina, First Congressional District :

JOHN S. RICHARDSON, CONTESTANT, }
vs. }
JOSEPH H. RAINEY, CONTESTEE. }

The contestant, John S. Richardson, or his attorney, will take notice that, at Florence, in the county of Darlington, in the State aforesaid, before F. F. Teicher, notary public, this contestee will examine and take the depositions of S. W. Williams, Joshua E. Wilson, J. D. Moore, Charles McPherson, Isaac Rafta, Joshua Daniels, Charles Peoples, and R. H. Humbert, to be used before Congress at the hearing of the above-stated case. All are residents of said county. Said examination to commence on Tuesday the 10th instant at 9 o'clock a. m., and to continue from day to day till concluded.

April 6, 1877.

D. D. MCCOLL,
Attorney for Contestee.

In addition to the foregoing witnesses, contestee then and there will also examine Charles Brown, Arthur Deas, Samuel Isaiah, Calvin Wiggs, Z. Nettles, Nelson Owens, Benjamin Black, S. W. Gadsden; all residents of Darlington County aforesaid.

D. D. MCCOLL,
Attorney for Contestee.

UNITED STATES OF AMERICA,
State of South Carolina, First Congressional District :

JOHN S. RICHARDSON, CONTESTANT, }
vs. } Contested congressional election.
JOSEPH H. RAINEY, CONTESTEE. }

Testimony taken before F. F. Teicher, notary public of said State, at Florence, in the county of Darlington, on this the 10th day of April, 1877, in accordance with notice hereto attached, on behalf of the contestee.

GEORGE LAYTON sworn.

Question. Where do you live, and where were you on the day of election?—Answer. Live two miles from Timmons ville, and was there on the day of election.

Q. Please tell us what you know of colored persons being shut up on the night previous to the election by the democrats, and carried to the polls by them at Timmons ville.—A. On the night before the election,

about 10 o'clock p. m., I passed Dr. Byrd's hall and saw the democrats in there speaking; and next morning when I got there again, a little before six o'clock, I saw the democrats go there and open the door, and I heard them say that those who went in could not come out; and two guarded the door. Shortly afterward they came out, each one bringing a colored man by the arm, and carried them to the polls, remaining in that position till they had voted.

Q. About how many colored men were there carried in that way, and how did they get their tickets?—A. About twenty-five. I think they got them off the table. They all got democratic tickets.

Q. Did you see United States Marshal Dargan on that day?—A. I did.

Q. Did he on that occasion do anything to prevent voters from voting as they pleased?—A. He did not; he simply preserved the peace, and I saw one democrat who drew his pistol on a man, and the marshal attempted to arrest him but never done it.

Q. Were you at the first Timmons ville republican meeting?—A. I was.

Q. Did you see the democrats turn out to this meeting with arms or not?—A. I did; they turned out to this mass meeting with guns, pistols; some on horses, some on foot.

(Objected to on the ground that the name of this witness is not on the notice served.)

Cross-examination:

Q. What was the name of the democrat whom you saw draw a pistol on that day?—A. Waterman Hunter.

Q. How do you know he was a democrat?—A. Because I heard him say so; is a white man.

Q. Was he drunk?—A. I believe he was.

Q. What two democrats guarded the door at Byrd's Hall on the morning of the election?—A. I think one Mr. White; don't know the name of the other.

Q. Did you read the names printed upon the tickets taken from the table?—A. I did not.

Q. How many republicans were at the first Timmons ville meeting with arms?—A. I could not tell; saw about eight or ten with shot-guns.

Q. Was the colored militia company there with arms or not?—A. I did not see any.

Q. Were you a member of this company?—A. I am.

Q. Your company did not turn out under arms that day?—A. They did not.

GEORGE ^{his} + LAYTON.
mark.

Sworn to and subscribed to before me this 10th day of April, 1877.
[SEAL.]

FRANK F. TEICHER,
Notary Public.

ISAAC RAFRA sworn.

Question. In what portion of Darlington County do you live, and how long?—Answer. I have been living in Darlington County thirty-five years; and near Timmons ville for the past five years.

Q. On the day of election at what point were you and in what capacity acting?—A. As a manager at the Timmons ville poll.

Q. How many troops were at Timmons ville that day, and how near the polls?—A. About thirty were at Timmons ville, and they camped near the depot, about one hundred yards from the polling place; did not see any during the day.

Q. Do you know Dargan, the deputy marshal at that poll?—A. I do; I saw him do nothing to interfere with any voters; noticed him all day.

Q. Were you at the first republican mass meeting held in this county, at Timmons ville?—A. I was.

Q. What position did you hold in that precinct among the republicans?—A. I was republican precinct chairman.

Q. Did you hear any threats made previous to the meeting above-mentioned, that the democrats would attempt in force and divide time.

(Objected to as suggesting answer.)

A. I heard of their saying that they were going to have one-half of the time; they builded a stand together; the democrats saying that they were going to have one-half of the time, and might as well let them pay for one-half of building platform.

Q. Were you at this meeting?—A. I was, and opened the meeting. They came there and requested to see the speakers, especially Mr. Whittemore, when he came, and requested half of the time, and he said that he could not grant it. Colonel Law, the democratic county chairman, came to me and was talking to me about it, and I told him I could not control the meeting; and about this time we moved off to the old stand, a half of a mile distant, and held the meeting there. Shortly after getting there, a democratic committee came to ask for a division of time. Sheriff Cox, the county chairman at that time, told them at any other time when they wished joint discussion he would issue notice to that effect; it was refused on that occasion. They went back, and the same men came again; their desire was to know if they would give Mr. Richardson a chance to speak. Consent was not given by the meeting. The democrats came at the winding up of the meeting, about ten minutes before Mr. Whittemore got through speaking. The democrats, twenty-five or thirty, came mounted, also a great many came on foot; had guns—most every man I seen had a gun. Shortly after they got there the republicans left.

Q. Were you frightened?—A. I certainly was; both parties being armed, I felt like that some of the speakers might get shot, and this would start a general fight.

Q. On the day of election, shortly after the polls were opened, do you remember having seen a crowd of democrats bring a crowd of colored men to the polls to vote; and, if so, how did they bring them?—A. I can't say how they were bringing one another; they come up locked arms together, and stood locked arms until they voted.

Q. Were colored men interfered with or molested in any way by their own color for being democrats or voting the democratic ticket?—A. They were not; saw no man interfered with about voting. They would talk to each other when together, but never saw or heard of any violence or threatened violence toward each other.

Q. Were the colored people apprehensive of being interfered with by the democrats on the day of election?—A. I felt no apprehension myself; cannot say as to others.

Q. What effect did the presence of the troops have upon the colored people?—A. They had no effect in changing their votes; thought that the troops were about as good democrats as the balance, and advised the people to vote for Hampton.

Cross-examination :

Q. The arrangement for building a joint stand was a friendly one?—

A. It was, between those that built it.

Q. Were you not chairman of the committee?—A. I was; but they built the stand without my consent.

Q. You did not object?—A. I did not.

Q. The two parties were on very good terms at that time?—A. As far as I knew they were.

Q. When the joint discussion was proposed at the first meeting at Timmons ville, you had no objection to it yourself?—A. I did not have any myself.

Q. Did you not tell Colonel Law that you were willing to have the discussion?—A. I might have done so.

Q. This was before the meeting was organized.—A. It was.

Q. Did not Colonel Law pledge himself and his party to a peaceful and orderly discussion?—A. He did.

Q. Were the masses of the republicans opposed to a joint discussion, or did the opposition spring from their leaders?—A. The majority of the Timmons ville voters did not oppose a joint discussion, in my opinion. The excitement was so great during the meeting that I was opposed to a joint discussion.

Q. By whom was the proposition for a joint discussion rejected?—A. I think by Mr. Whittemore.

Q. The joint discussion agreed to by County Chairman Cox was never carried out; is that a fact?—A. It was never had.

Q. How many republicans were there in arms that day?—A. A good many; could not tell how many.

Q. Did not a number from Darlington come down with arms?—A. They did.

Q. The democrats did not interfere or disturb your meeting in any way?—A. They did not.

Q. Did you see anybody draw a weapon upon Mr. Whittemore?—A. I did not.

Q. Were you not assured by both Colonel Law and Mr. Richardson that your meeting should not be interfered with, and that they were only anxious that Mr. Richardson might be heard?—A. I was assured by Colonel Law in the morning that there should be no fuss unless our side raised it, but I felt no assurance of what our side might do.

Q. After your meeting adjourned, was not Colonel Law called upon for a speech?—A. Not to my knowledge.

Q. Did not he propose to introduce Mr. Richardson, if they wished to hear him?—A. Not to my knowledge.

Q. Is it not a fact that, after your meeting closed, Colonel Richardson did address the crowd?—A. Not to my knowledge; I went away.

Q. Do you not know that a certain colored man was deposed as a class-leader in his church, or threatened with being deposed, because he was a democrat?—A. I never heard of his being threatened by the members, but I heard of outsiders saying that they did not wish him to lead their families. The wife of the party saying this was a member of the church on probation.

Q. Has it never come to your ears that a certain colored man near Timmons ville was beaten because he was a democrat?—A. I don't know about it.

Q. Do you not know that abusive language was used by republicans toward colored democrats?—A. I do not know of any.

Q. Do you know why United States troops were sent here?—A. I do not.

Q. How did the colored people feel about the coming of the troops —? A. I cannot tell as to others; I know how I felt myself.

Q. Did the colored people generally feel glad about their coming?—A. I could not tell you.

Q. Up to a short time before the election was there any unusual disorder in this county?—A. Not that I know of.

Q. Do you know of any trouble that the State authorities failed to put down?—A. I don't know of any.

Redirect:

Q. Had you ever seen in this county any such demonstrations as the one made at the first Timmons ville meeting by the democrats?—A. I never had.

Q. Do you know whether William Oliver was in that procession that day or not?—A. I heard so.

Q. Is it not a fact that for four years the sheriff of this county failed to arrest him?—A. I did hear that after a certain time there was no occasion to arrest him.

Q. This meeting at Timmons ville was a county meeting and under the control of the republican county chairman?—A. It was.

Q. You say that in the morning you were willing to a joint discussion; is it not a fact that when you saw the great excitement existing about the time all the crowd had assembled, that you became opposed to a joint discussion on account of such excitement?—A. I did.

Q. You were asked the question if you saw anybody draw a weapon on Mr. Whittemore, and you answered you did not; were you in a position to see everything going on?—A. I was on the ground in the crowd, and could not see everything going on.

Q. This Timmons ville meeting was a republican meeting, and called by the republicans, was it not?—A. It was.

Q. Did you ever know the republicans to go and demand a division of time at democratic meetings?—A. I did not.

Q. Did the democrats ever do this before this last campaign?—A. They did not.

Q. Who was this colored class-leader, you speak of?—A. David Strather.

Q. I understood you to say that the only person who objected to his continuing class-leader was a man not a member of the church; am I correct?—A. It was a person outside of the church that objected to his leading his wife, who was a member; this is the only one I know of as objecting.

ISAAC RAFRA.

Sworn to and subscribed to before me this 10th day of April, 1877.

[SEAL.]

FRANK F. TEICHER,

Notary Public.

JOSHUA DANIELS sworn.

Question. Where were you on the day of election?—Answer. At Timmons ville, and live there.

Q. Please state what you know in relation to the campaign in this county.—A. During the campaign had several meetings. At the first mass-meeting held there, called by the republican party, a committee was appointed to build a stand. I, for one, hauled for nothing. Jim People, Ben Jackson, Dick McGee, and Burrell Gee, and others, and in

the evening, during the building of the stand, Captain Ragsdale, Dr. Culpepper, Jesse Keith, and Mr. Cook, all democrats, came and said that they would furnish better plank than we had if we were willing to divide time. Halloway and myself said nothing. Jim People and some, sorter agreed. They hauled the plank, I and Halloway not agreeing to it. They then said that they were going to claim one-half of the time if they did not help build it. While Mr. Keith was there he told me to get on his horse to-morrow; I did not know what for. On the morning of the meeting I saw the white men coming into town with guns on horseback. Some of them placed their guns in some of the stores, and they had pistols buckled around them.

Saw them drill on horseback in rear of Dr. Hunter's drug-store. I counted thirty-two in that crowd, and I inquired if they were going to fight that day. I heard them whisper amongst themselves that as soon as Whittemore would arrive in town they aimed to kill him, and no one would know who done it. This is the reason the meeting was broke up the first time. After Mr. Whittemore came, Captain Ragsdale and Keith, two democrats, came and requested a division of time, claiming that, having assisted in the erection of the platform. Whittemore told them that he did not come prepared to give them a portion of the time, as they had not notified him nor he them, but if they had any claim to the platform he would leave it; and when he got through speaking and anybody wished to hear them they could do so. After Mr. Whittemore got through speaking he left, and some few remained to hear Richardson. Before Mr. Whittemore left, John D. Johnson, Henry Morris, and others would ride backward and forward, and just before he got through speaking the cavalry came up armed, surrounded the little house, and behind them came men on foot, with muskets and bayonets fixed, which looked sort of like war. After they came up I saw a man with a rifle in his hand, saying to another one standing near him, that "If you just say so I'll plug him," meaning Mr. Whittemore; the other one said "No, don't." Everything passed off peaceful.

I seen about 300 or 400 white men, even boys, armed with guns. While having a meeting at the school-house on the night of the troops came there, our meeting was interrupted by colored democrats by giving the lie and damned lie. About the time we had every thing quiet we heard that the troops had come. On the evening of the Saturday before the election the republicans were ready to leave Timmons ville, having had a meeting there that day, but waited, knowing that the democrats were on the road between there and Darlington, and were waiting on a side street, when the democrats came in and they tried to ride through the ranks, which was for no other purpose than to get up strife. We treated them with respect, holding them a good light for them to pass, the republicans having had a torch-light procession. On the day of election everything went off very peaceful until Waterman Hunter drew a pistol on James Cooper, a republican; I don't know what it was done for.

In the way these colored men were brought up to the polls early that morning I did not consider them free men, and my reason for saying so is because they locked arms with the white men and marched up to the polls after being locked up all night.

Q. About how many white and colored democrats were marched up to the polls and voted that day in ranks?—A. I don't know.

Cross-examination :

Q. You say that you and Halloway did not give your consent to the democrats helping to build the stand; did you refuse?—A. I did; the others partly consented.

Q. Who told you that they would claim one-half of the time?—A. Jesse Keith, Captain Ragsdale, Dr. Culpepper.

Q. How many democrats came into Timmons ville on horseback with guns in their hands next day?—A. I don't know how many; a good many came; saw 32 drilling.

Q. Where were their arms stored?—A. In stores; some of them in Jesse Keith's store.

Q. How many in Jesse Keith's store?—A. I don't know how many.

Q. Into what other stores did they carry them?—A. I don't know.

Q. Who said that they would kill Mr. Whittemore?—A. Did not know the man; had blue spots on his face. On the evening before, I heard it whispered about that if Whittemore would come in they would kill him.

Q. Who did you hear whisper this?—A. I do not know.

Q. Are you not well acquainted in the neighborhood of Timmons ville?—A. I am.

Q. Were the men who whispered this strangers to you or not?—A. I do not know.

Q. Were you present when Ragsdale and Keith proposed to Mr. Whittemore to divide time?—A. I was.

Q. How many bayonets were there upon the guns of the democrats when they were drilling?—A. I did not count them.

Q. How many bayonets were there on the republicans' guns?—A. Not a one.

Q. How many republicans were present?—A. About twenty-five.

Q. Was the colored militia out under arms?—A. They were not.

Q. Do you belong to that company?—A. I do.

Q. What democrats did disturb your meeting on the night of the 3d November, 1875?—A. Henry Berry, Manley Wood, St. Green, and an old white fellow, Rebanlin, a town night-marshal.

Q. Do you say that the democratic procession rode out of their way on the following evening to break into your ranks?—A. They did.

Q. And you did nothing but hold the light for them?—A. That's all.

Q. You say that certain colored democrats were locked up the night before the election; how do you know this?—A. I saw them carried there to the polls next morning; they were locked up.

Q. Did you see them locked up?—A. I did not see the door locked.

Q. Did you see the door unlocked on the following morning?—A. I did not.

Q. Did you see the men come out of the room?—A. I saw them when they came out of the house next morning.

JOSHUA Y. DANIELS.

Sworn to and subscribed before me this 10th day of April, 1877.

[SEAL.]

FRANK F. TEICHER,

Notary Public.

J. D. MOORE sworn.

Q. At what place in Darlington County were you on the day of the last general election?—A. At Florence.

Q. Did you take any part in the campaign?—A. I did.

Q. Did the democrats conduct this campaign in this county peaceful and quietly, or did they do so with a show of violence?—A. With a show of violence. Saw pistols and red shirts; saw no guns.

Q. Were the colored people of this county apprehensive of bloodshed or not?—A. They were; colored men came to me and asked me if they should vote or not; told me that they had been threatened to be re-

moved from their homes, &c.; I replied, to serve Almighty God and to vote as they pleased is a right and is guaranteed to you, and advised every one to come out and vote. I was asked by colored men if they should come and vote if I thought they would be ambushed; I heard of 50 or 100; and colored men asked me if I thought it safer for them to come to Florence or go to Darlington to vote.

Q. Please state any facts in relation to the campaign in Florence that you know.—A. About the 6th day of November the democrats sat up in Layden's hall all night and the republicans at the school-house, both parties waiting for the opening of the poll, to take the advantage of being first there; unfortunately the democrats got there first, when it was remarked by several of them, to retard the time, that the republicans should not vote at all, if possible. A very heavy shower of rain came down, which broke the ranks of the democrats, and the republicans came up in heavy force, held the poll, and voted for some time. A man with name of Louis Richardson was brought up to vote the democratic ticket, and he was rejected on account of being a minor; they swore he was of age, and he voted.

Q. Who was the deputy marshal here that day?—A. E. H. Deas.

Q. What was his conduct as marshal?—A. He was very quiet, and often in jovial conversations with the democrats; I did not see him interfere with the voters in any way.

Q. It has been charged by witnesses for contestant that Jack Johnston drew a stick on a colored man for voting the democratic ticket, and that Deas came up and tore up the ticket, or something to that effect; please make a statement in relation to the matter.—A. Jack Johnston's son came up with, I think, Phillips, and coming up apparently under guard; his father had a stick in his hand and motioned to him to come to him; when he came he asked him what he was going to do; I understood him to tell him not to let these people dictate to him how he should vote; that there was but one right way to vote. They pulled and hauled the boy considerable, and I don't know how it ended, as I left.

Q. Were any troops here on the day of election?—A. Eight were here.

Q. How near to the polls were they?—A. About forty rods.

Q. Did they interfere in the election in any way?—A. They did not.

Q. What effect did the presence of the troops have upon the colored voters?—A. It had no effect; but I will say that many colored men voted who would not have done so if the troops had not come, from fear of the democrats.

Q. Do you know Royal Robinson, of Sumter?—A. I do.

Q. He says, in his testimony for contestant, that he was maltreated in the town of Florence because he was a democratic speaker; what do you know of this matter?—A. I know he was not; he told me at Mr. Bridg's store that if they thought he was a democrat they are damned fools; he was going along with them to make money; he was not maltreated.

Q. Do you know of any instances of molestation by colored men to colored democrats?—A. I heard of one instance, that a man told me women abused him for being a democrat.

Q. What do you mean by abused?—A. Blackguarding him.

Cross-examination:

Q. Please explain what you mean by a "show of violence"?—A. I mean when men come up in uniform and arms.

Q. On how many occasions did you see men in uniform with arms?—

A. On one special occasion, at Darlington, at the Hampton meeting.

Q. How many arms did you see?—A. I suppose that I seen 900 armed mounted men on that day, with pistols.

Q. At the time these men sought your advice as to whether they could come to the polls in safety, were there any United States soldiers in the county?—A. Not any.

Q. You answered them that they could vote unmolested?—A. I did not answer them so.

Q. Did you not advise them to vote?—A. I did.

Q. Did you feel any apprehension in voting?—A. I did not.

Q. Who said, at the polls on election-day, that the republicans should not vote?—A. I cannot name any one.

Q. Was any republican kept from voting at this poll?—A. None that I am aware of.

Q. Why was it that you warned Deas, the United States deputy marshal, to be careful?—A. Because I thought it was a responsible position.

Q. Did you not tell Mr. McCall this advice was given because Deas was a hasty man?—A. I said that he was rather hasty in some things.

Q. Who was it that pulled William Johnston about?—A. Persons of both political parties.

Q. What ticket did he vote?—A. I don't know.

J. D. MOORE.

Sworn to and subscribed before me this 10th day of April, 1877.

[SEAL.]

FRANK F. TEICHER,

Notary Public.

S. W. WILLIAMS sworn.

Question. How long have you lived in Darlington County?—Answer. For the past thirty-two years.

Q. How did the democrats conduct this campaign?—A. In a threatening manner continually of violence during the campaign.

Q. Did you see the democrats attend the republican meetings in force?—A. They did at Timmons-ville, dressed in red shirts and armed with guns and pistols. I even seen swords among them.

Q. Were you at the first meetings of the republicans at Timmons-ville?—A. I was. The republicans called a mass meeting to open the campaign in this county. As we got there, I saw a crowd of democrats in shirt-sleeves. They were then arguing about the platform, they claiming that they had a right to one-half of the time. We told them that they could have the whole of the platform, and we go somewhere else to speak. We went then about one-half of a mile and commenced speaking by using a wagon. I went down town to get some water; saw the democrats leave their first stand, get their horses and guns, and I heard from the marshal of the town that they were going to break in on the republicans on the wagon-stand. I hurried on back, and soon after I got back I saw them come on horseback in procession, with rifles, shot-guns, and almost every other kind of guns, and heard them say that they would have a part of the time or fight; that they did not intend for the radical politicians to make statements without being present to rebut them. They came up with the cavalymen, and the footmen right behind them. All had guns marched right around with their guns in an advanced position—almost in a shooting attitude. They formed a half-circle around the stand; stood there for a quarter of one hour in that position. As soon as Mr. Whittemore got through speaking he got off the stand and we left. Before the democratic pro-

cession came up and before Whittemore began to speak—he was sitting down on the shady side of a house—saw three or four of the democrats looking around as if to see what speakers were there, and when they saw Whittemore one remarked, “There he is; we will get him yet.” In the mean time Morris came up and requested that the democrats be allowed to come up and listen to the speakers, which was granted.

On the 4th of November we had another large meeting at Timmons-ville, and found a part of the democrats who started for Darlington come back in a half of one hour. I was on the street corner and heard one democrat ask another if he was going to Darlington, to which he replied, “No, he would stay there and get into a fight.” I walked off to the outskirts of the town to attend to some business, and when I returned saw men running about, as if there was some disturbance. I hurried on to town; saw a cart with a lot of guns in it; saw some democrats, with Bill Oliver in the crowd, run and get them out. I learned that the cause of this disturbance was a rumor that the democrats and republicans had met between there and Darlington and had a fuss. Soon after that the crowd assembled, and we had our meeting. I did not stay that night; left on the evening train, and did not see the end of it.

Q. Were not the colored people of this county very much alarmed and frightened at the manner in which the democrats carried on the campaign?—A. They were to a great extent. They were looking for bloodshed at any time. The democrats openly said that they would carry the election or fight, and would carry it if they had to kill out all the republican leaders.

Q. Was there a democratic rifle-club in this place?—A. There was, and I saw members of the club walk upon the street in the night-time with their guns after the proclamation.

Q. Where were you on the day of election?—A. At Timmons-ville.

Q. What was the deportment of Dargan, the deputy United States marshal?—A. He was trying to preserve the peace; did not interfere with the voters in any way.

Q. Did you see those twenty-five colored men marched to the polls by the democrats?—A. Early that morning I saw the democrats march out of their hall, each one holding a colored man by the arm, and carried them up to the polls and voted them; would not allow them to take any ticket but the democratic ticket. It was said that these men were locked up the night before. One they intended to lock up told me that he got off home to get something to eat, and did not come back; that they did not intend to let them out, and told him that they had something for him to eat. They had a young colored man, with name of Peeths, trying to get him to vote, but his father prevented it by stating he was too young. After 12 o'clock m. they fired off a great many fire-arms. The democrats did this, and marched through the streets with drums, and pistols buckled around them; so much so that a good many republican voters had to come to Florence and elsewhere to vote.

Q. Was it the democrats or republicans that had the eight or nine soldiers brought here?—A. I don't know of my own knowledge, but Mr. Layden, the owner of Layden's Hall, and a democrat, told me that Mr. Allen, a prominent democrat of this place, applied to him for quarters for the soldiers, and got the basement story of Layden's Hall and took the key, but when the troops came, the night before the election, on finding out that Layden's Hall was near to the polls, they refused to occupy that place, and went to the Wiley House, which is much farther off. The troops stationed at Timmons-ville were about two hundred

yards from the polls, entirely out of sight; did not in any way interfere with the election, or with the voters, and they were simply there to preserve the peace, if called upon.

(Objected to all leading questions, expressions of opinions, and hearsay.)

Cross-examination :

Q. What do you mean by violence?—A. I mean men having arms to carry out their designs, go around the country and compel men to vote their way.

Q. Did you see anybody compel anybody to vote against their wishes?—A. I saw the democrats carry them up in crowds, locked arms; saw that at Timmons ville.

Q. How many did you see carried up at Timmons ville?—A. I could not tell positively; it was a right good crowd, about twenty-five or thirty.

Q. Did you see any others except the ones you speak of?—A. Those are the only ones I have seen; heard of others.

Q. Do you know that the men of whom you have spoken wanted to vote the republican ticket?—A. From information I gained from them, a portion of them did.

Q. Who gave you this information?—A. I don't know the names exactly. I was there offering them the republican ticket when they told me this.

Q. Had you any acquaintance with these men?—A. I only saw them, and they told me after they had voted that they intended to vote the republican ticket, but were not allowed to vote it. This was after they had voted.

Q. How does it happen that you offered them republican tickets after they had voted?—A. I was offering tickets to others and some of the men in the crowd said they would have voted the republican ticket if they had been allowed.

Q. How many swords did you see in the hands of democrats in Timmons ville?—A. Saw them in a cart in the street; cannot say exactly; might been two or three in the cart with some guns.

Q. What democrats did you hear say at the first Timmons ville meeting that they would have one-half the time or fight?—A. This was said in a great big crowd at the meeting; do not know by whom.

Q. What democrats and how many did you see in a shooting attitude?—A. I don't remember how many there were; a good many.

Q. What do you mean by shooting attitude?—A. I mean they came up having their guns in this way. (Witness here shows how the guns were held.) The guns were, to term it in the military style, in an advance position.

Q. Were they pointed at anybody?—A. They did not aim at anybody.

Q. Why did the republican meeting adjourn?—A. As soon as Mr. Whittemore got through speaking he said: "We adjourn and go home so as not to get into a row." The republican speakers had not all spoken.

Q. At what hour in the afternoon was this?—A. I could not tell exactly.

Q. How high was the sun?—A. I was not looking at the sun. I was watching the guns.

Q. How long was it before night?—A. About three hours before night.

Q. What democrat said to Mr. Whittemore, "there he is, and we get him yet?"—A. I don't know the party.

Q. Did you ever see that man before?—A. I don't know.

Q. How many republicans were there in arms that day?—A. I could not tell positively; a good number on both sides.

Q. Did you see the colored militia on that day?—A. I saw a crowd armed; don't know whether they were militia or not.

Q. What democrat was it who wanted to stay in Timmons ville on the 4th of November meeting to get into a fight?—A. I did not know him; would know him if I see him again; know but a few people around Timmons ville.

Q. What democrats did you hear say that they would carry the election if they had to kill out the republican leaders?—A. I heard it as a general thing; Mr. James Allen; heard him say so right at the corner, and I told him that there was no fight in him. It was a common talk; heard Mr. Goddard say if Mr. Chamberlain was to get 10,000 votes ahead he would never be the governor—that they would fight first. I don't remember the names of any others.

Q. You say that there was a democratic rifle club at this place. Did you ever read the constitution of that club?—A. I never did.

Q. What members of that club did you see upon the street at night with their guns after the proclamation?—A. I cannot give their names.

Q. How do you know that these men were members of any club?—A. I cannot say as to their membership; see that they walked about with rifles.

Q. Do you not know that, owing to the excitement at that time, and frequent burning of houses, it was necessary to have a strong police at night?—A. I do not.

Q. Do you not know that there were threats made by colored republicans to burn the town of Florence?—A. I heard this from a democrat; did not hear it from a republican. There was no burning at Florence except by those who were injured.

Q. Don't you know that the store of Mr. Lucas, a democrat, was fired from the outside?—A. I heard of an attempt being made.

Q. Did you see any of the 25 colored democrats who were voted at Timmons ville attempt to vote any ticket except the ticket which they voted?—A. One of them came to me for a ticket before he voted. He was prevented from taking the ticket by a democrat coming up, because he was a member of the club. Did not see any one attempt to put into the box any ticket except the democratic ticket.

Q. How many republican voters came from Timmons ville precinct to vote at Florence?—A. One or two that I am sure of.

Q. How many went from Timmons ville to other precincts?—A. I could not tell.

Q. Can you say, from your own knowledge, that there was any besides those you spoke of?—A. I could not say.

S. W. WILLIAMS.

Sworn to and subscribed to before me this 11th day of April, 1877.

[SEAL.]

FRANK F. TEICHER,

Notary Public.

SAMUEL ISAIAH sworn.

Question. Previous to the election, with whom were you living, and how long have you been living with him?—Answer. I hired to Mr. Gaillard March, 1876, and was discharged by him four days before the election, on the 3d day of November, 1876. The circumstances were these: He asked me what my intention was on the day of election; how I was going

to vote. I told him I was going to vote for the radicals, my party. He then told me that any one voted against him he did not have any further use for them. He discharged me right then and there.

SAMUEL ^{his} + ISAIAH.
mark.

Sworn to and subscribed to before me, this 11th day of April, 1877.
[SEAL.]

FRANK F. TEICHER,
Notary Public.

CALVIN WIGGS sworn.

Question. Previous to the last general election, with whom were you employed?—Answer. I was employed by Mr. Gaillard, as a laborer, to transfer express at Florence, he, Gaillard, being the express agent.

Q. Were you dismissed, or not?—A. I was discharged three days before the election because I would not agree to vote the democratic ticket.

Q. Do you know of any others discharged by Mr. Gaillard on account of politics?—A. I know of Samuel Isaiah, discharged for his politics by Gaillard.

CALVIN WIGGS.

Sworn to and subscribed to before me this 11th day of April, 1877.
[SEAL.]

FRANK F. TEICHER,
Notary Public.

J. D. Moore recalled.

Question. It is charged by contestant that the State militia, and other armed republicans, collected State and private arms, at and near the poll at Florence; what do you know about this?—Answer. There was no State militia ever organized at this point, nor was there any there. I saw two colored men on the day of election, about 600 yards from the polls, each with a double-barreled gun; these were the only guns I saw during the whole day, either private guns or State guns, and I never heard that the republicans had any guns at this point until suggested by your question. I was with the republicans at the school-house the night before, and feel satisfied that if there had been any guns I would have seen or heard of them. At the elections here before, I would see occasionally a man with a gun, but on this occasion the two above referred to were the only ones with guns, and they were not near the polls.

Q. Did not the pledge made among the democrats not to employ colored men, or rent them land if they voted the republican ticket, prevent many colored men that wished to vote the republican ticket from so doing?—A. It did keep a good many from voting, and others that were republicans to vote the democratic ticket.

Q. How many colored men voted the democratic ticket at this poll?—A. Sixteen; more than ever voted that ticket any previous election at this place; this shows very clear to my mind that the troops had no effect upon colored voters to deter them from voting the democratic ticket. I never heard any of the democrats complain or say that the presence of the troops lost them a single vote.

(Objected to all expressions of opinions on the part of the witness.)
J. D. MOORE.

Sworn to and subscribed to before me this 11th day of April, 1877.
[SEAL.]

FRANK F. TEICHER,
Notary Public.

ARTHUR DEAS sworn.

Question. At the time of the last general election in what county were you living, and how long had you been living there?—Answer. In Marion County, and lived in that county fifty-five years.

Q. What is your profession?—A. I am a carpenter by trade.

Q. Were you formerly a slave?—A. I was.

Q. Since the war have you purchased any land; and, if so, from whom?—A. On the 13th day of January, 1874, I purchased 396 acres of land from C. E. McPherson.

Q. How much money have you paid on this land?—A. Seven hundred and five dollars I paid in money.

(Objected by contestant's counsel to any evidence as to the amount of money paid, no receipts or other written evidence being offered.)

I put up a building with six rooms, costing me \$400; one workshop, \$25; one barn and stable, \$25. I cleared up ten acres of ground and put the whole place in good repair, and paid \$46 for taxes.

Q. How much was the whole amount you had to pay for that place?—

A. I hold the deed in my hand, and the whole consideration is \$1,985.

Q. Is C. E. McPherson a democrat?—A. He asked me to vote the democratic ticket. I went to see him before the election about the land. I told him I understood he was going to foreclose the mortgage and sell the land if I did not vote with him. He said, "I don't know anything about that, could not tell now; all I have got to say to you is to go on and vote our ticket, and you will have ample time to pay for your land and live with us like a gentleman; we will take care of you." I told him I could not change my principle. He said, "We don't want you to change your principle, and if you don't want to vote our ticket, vote for Hampton and cut Chamberlain's name off." I then told him I did not propose to do that. Then he said, "If you don't propose to do that go off shooting and not go to the polls at all." I told him I could not do that. This ended the discourse.

Q. How did you vote?—A. The republican ticket.

Q. Since the election has your land been sold from under you, and have you had to leave it?

(Objected to—the form of the question as leading, and to the substance because it seeks to introduce record-evidence by parole.)

A. It was sold, and I had to leave it last January.

Q. Have you not had to leave the neighborhood in order to get employment?

(Objected to as leading.)

A. I had to leave there since election, not being able to get employment there, as I voted against them; they said so. This is the reason why I am in Florence now.

(The whole of the above testimony is objected to as immaterial to the issue, and as seeking to establish by parole proof evidence which must be of record in the office of the clerk and sheriff of Marion County; also because the deed of which the witness speaks is not produced in evidence.)

Contestee's counsel states in the presence of contestant's attorney, making the above objection to the deed, that he, contestant's attorney, got from the witness and held in his hand the deed above rejected.)

Cross-examination:

Q. How is the balance of the purchase-money secured?—A. By note and mortgage.

Q. Has the mortgage been foreclosed?—A. It has; the land was sold on the 1st of January, but the last payment was due on the 13th of January, 1877.

Q. Did you appear to the suit in person or by attorney?—A. I was served with a notice of it, about one year ago; knew nothing of the sale till I saw it advertised in the Marion Star.

Q. Was the sale made by the sheriff of Marion County?—A. It was.

Q. Were you present when it was sold?—A. I was.

Q. Did you bid?—A. I did.

Q. Did you make objection to the sale?—A. I did not.

Redirect:

Q. You say you bid at the sale. To whom was the land knocked down?—A. It was knocked down to McPherson, his attorney having bid it off for him.

ARTHUR DEAS.

Sworn to and subscribed before me this 11th day of April, 1877.

[SEAL.]

FRANK F. TEICHER,

Notary Public.

NELSON OWENS sworn.

Question. Previous to the elections how were you employed?—Answer. I was the pump-minder of the Charleston Road for nearly two years.

Q. Who attends to the business of this road in this town?—A. Mr. Corrie at this place, under Mr. Ravense, president, in Charleston.

Q. What resolutions did Mr. Corrie and Mr. Ravense agree to in relation to the pump-minders on the road before the election?

(Objected to, the resolution not being offered in evidence.)

A. It was said that all the pump-minders had good situations; they would continue their wages if they would vote for Mr. Hampton, and if they did not vote for him, discharge them.

Q. Who is the next man under Corrie at the railroad-shop?—A. Mr. Sing is the foreman.

Q. What did Mr. Sing say to you about voting?

(Objected to as leading.)

A. He took it upon himself to ask me how and where I was going to vote. I told him, "As I always voted." He told me, "Then you are going to vote for the republicans?"—A. I said, "Yes;" and he said, "That's where you are going to ruin yourself, because all the pump-minders on the road did not vote with them would lose their places.

(Objected to, what Sing told him.)

Q. Have you lost your place?—A. I have.

Q. Did you vote the republican ticket?—A. I did.

Q. Who did they put into your place?—A. Mack Higgins, a democratic colored man.

(Objected to as foreign to the issue.)

Cross-examination:

Q. How do you know that Corrie and Ravense agreed to discharge anybody?—A. I was told so by Mr. James Smooth, who is pump-minder now.

Q. By whom were you discharged?—A. By Mr. Corrie.

Q. When you were discharged did Mr. Corrie tell you the reason for discharging you?—A. He never did.

NELSON ^{his} + OWENS.
mark.

Sworn to and subscribed before me this 11th day of April, 1877.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

JOSHUA E. WILSON sworn.

Question. How long have you resided in Darlington County, and at what point were you on the day of the last general election?—Answer. I resided in the county eight years, and was in Florence on the day of election.

Q. Were not the people of this precinct apprehensive of bloodshed and violence on the day of election?—A. To my knowledge, I think they were.

Q. What reasons did they have for apprehending trouble?—A. The unprecedented political excitement, the organization of rifle-clubs, &c.

Q. You know how the eight soldiers that were here happened to come here?—A. I don't know; heard prominent democrats before they came express a desire to have them come.

Q. What effect did the coming of the troops have upon changing the votes of anybody?—A. None whatever, in my opinion. They may have caused some few republicans and democrats to have voted who otherwise would have been afraid to turn out to vote, who after the troops came felt unmolested.

Q. On the day of election how near were the troops stationed to the polls?—A. About 200 yards. They did not interfere with the election or voters.

Q. Who was the deputy marshal here?—A. E. H. Deas.

Q. What was his deportment on that day?—A. I thought his deportment was very good; did not see him interfere with the voters.

Q. Do you know of any instances of maltreatment, &c., of colored persons by colored persons for being democrats?—A. I do not.

Q. Are you not a minister, and have you not charge of a church in this place?—A. I am, and have charge of the M. E. church of this town. One of my leaders (James Dubose) in the church is a stanch democrat, and has been ever since I knew him, and one other member is a democrat, and in my church matters they are all treated alike.

Q. Do you know or have you heard of the republicans having guns stored away near the polls on election-day?—A. I don't know it, and I never heard it, and I don't believe that there was any stored.

Q. Did you not hear that the democrats had guns on election-day at Layden's hall, within a hundred yards of the polls?

(Objected to as calling for hearsay.)

A. I did hear so.

Q. Is it not a fact that more colored people voted the democratic ticket than at any election since they have been allowed to vote?—A. It is a fact.

Q. In your opinion, do you not believe that the violent demonstrations of the campaign and the threats made by the land-owners caused colored voters to vote democratic against their wishes, and caused others who wished to vote the republican ticket to stay away from the polls?

(Objected to as leading.)

A. I do believe it, and have grounds for this opinion.

(Objected to as an expression of opinion.)

Cross-examination :

Q. The apprehension of trouble at this precinct grew out of this political excitement?—A. I think it did.

Q. Do you know of the organization of any rifle-clubs?—A. I read in a democratic paper published in this town that a rifle-club was organized in Layden's hall, and giving the names of its officers.

Q. Do you not know that this club was organized solely for self-protection?—A. I do not.

Q. Do you not know that it was promptly disbanded after the proclamation of the governor, D. H. Chamberlain?—A. I do not.

Q. How was the coming of the United States troops regarded by your people?—A. I cannot say.

Q. Was there, up to a short time before the election, any unusual disorder in the county?—A. There was not.

Q. Did you remain at the polls the entire day?—A. Off and on during the day ; was near by all the time.

Q. You say you know of no instances where colored people had been interfered with on account of their politics; do you not know that they were subjected to threatening and abusive language?—A. I do not; and not heard it.

Q. Has not James Dubose always been a democrat?—A. He has.

Q. Is he not a very quiet man, who takes no active part in politics?—A. I would not regard him as a quiet man in politics, but abusive of republicans.

Q. You are a republican; has he ever abused you?—A. Not me; he abuses the party.

Q. Did not the democrats display unusual energy the last campaign?—A. They did.

Q. Did the democrats at any previous general election since 1868 have a strictly party ticket in the field?—A. Not to my knowledge.

Q. Do you not know that at each of the elections referred to republicans were nominated and voted for by the democratic party?—A. I do.

Q. What offices do you hold in this county?—A. County school commissioner and United States postmaster at Florence.

Q. Your name was upon the republican ticket last fall for the office of school commissioner?—A. It was.

JOSHUA E. WILSON.

Sworn to and subscribed to before me this 11th day of April, 1877.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

CHARLES BROWN sworn.

Question. Last year, did you rent land from anybody; and if so, from whom?—Answer. I rented land from Mr. M. Haynsworth, and have been for the past seven years.

Q. Were you and the other hands threatened before the election that you would be turned off if you voted the republican ticket?

(Objected to as leading.)

A. We were told if we did not vote for Mr. Hampton we could not rent lands any longer.

Q. Were you turned off because you voted the republican ticket?

(Objected to.)

A. I was; also Bob Brown, M. Wilson, Tony Prince, B. Lomax, and John Jackson were all turned off at the same time, and for the same reason.

Cross-examination :

Q. Who fired Mr. Haynsworth's barn last winter, destroying all of his corn and fodder?—A. I don't know ; I went to the fire.

Redirect :

Q. Do you know whether the barn was set on fire, or whether it was accidental?—A. I don't know.

Q. About what time was it?—A. I think it was about the first of January, just before daylight in the morning.

CHARLES ^{his} + BROWN.
mark.

Sworn to and subscribed to before me this 11th day of April, 1877.
[SEAL.]

FRANK F. TEICHER,
Notary Public.

BENJAMIN BLACK sworn.

Question. How long have you lived in this county?—Answer. Twenty-four years.

Q. How was the last political campaign conducted by the democrats?—A. It was conducted, in my opinion, in a way to intimidate colored men from voting. A great many, to my knowledge, were threatened to be discharged from employment, and just a few nights before the election I saw crowds of men ride about in the night with rifles. They came one night within fifty yards of my house, and it was told to me that my life was threatened.

Q. Were you active during the campaign for the republicans?—A. I was.

Q. It has been charged by Mr. Richardson that the colored people had guns stored away near the polls on the day of election in Florence?—A. I was president of the republican Wide-awake Club, and saw no guns at all. White persons reported to me that colored people had guns, and a democrat told me that they were prepared and had guns themselves. A colored man came into town about 9 o'clock a. m. on election-day with a hole shot through his clothes, whose name I do not remember, and stated that he was coming on to town to vote, and was shot by the democrats and made his escape. I was at the first Timmons ville republican meeting; got there about 11 o'clock a. m., and it appeared to me that all the white and colored citizens were out with guns; there was a great deal of excitement. I saw on this occasion very near a difficulty between Henry Morris and a colored man. A woman wanted to get some water at the well, and Morris wanted to water his horse in the bucket, and the colored man objected; wanted the woman to get water. Morris went off and brought a parcel of white men with guns with him.

Q. What did the troops do here on election-day?—A. They were located here in a house on Front street, and staid in their quarters all day along, not interfering in any way with the voters or the election. Their quarters were at least 200 yards from the polls, and could not be seen from the polls.

Cross-examination :

Q. Where was it you saw mounted riflemen ride about in the night?—A. On the other side of Jeffries Creeks.

Q. Who was in command?—A. I don't know.

Q. Who came to your house at night and threatened you?—A. I could

not call their names; knew they were white men that came near my house; cannot say who threatened me; was told of being threatened.

Q. At what time was this?—A. It was the 24th night of October, a dark night; stars shining.

Q. Were you disturbed in any way?—A. I have previously heard my life was threatened, and afterwards did not sleep in the house at all.

Q. Who was it came to Florence on election-day and said he was shot?—A. I don't remember his name.

Q. Who did he say shot him?—A. He did not know their names, but one was riding a clay-bank horse, the other a sorrel.

Q. Were you at the republican meeting at Florence?—A. I was.

Q. How many colored men were in the procession with arms at the Florence meeting?—A. I hardly think there were over 40 or 50 of the Darlington militia company from the court-house.

Q. Was Capt. Paul Whipple's company of mounted men in the procession?—A. They were, in uniform, blue caps and cape, and was a torch-light company.

BENJAMIN BLACK.

Sworn to and subscribed to before me this 12th day of April, 1877.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

C. R. HOWE sworn.

Question. How long have you lived in the town of Florence, Darlington County?—Answer. Fourteen years.

Q. Were you about much during the last campaign in this county?—A. I was, in this and Marion County.

Q. Do you know of any acts of violence or demonstrations of violence on the part of democrats during the campaign?—A. I do. I heard of the demonstrations made at the first Timmons ville meeting by the democrats; was at the second meeting at Timmons ville, and saw violent demonstrations. Saw the democrats at Darlington turn out with arms, dressed in red shirts; this was common during the campaign. I knew more of Marion County than of Darlington County; they had rifle-clubs all over the county. The sheriff of the county was a captain of a saber-club. The club in the town of Marion practiced in the Masonic Hall, drilling every Tuesday night, up to the election. On Hampton's day they turned out with red shirts and pistols buckled around them, which was after the proclamations. During the campaign a colored man was killed at Simon Crawford's, and he had to leave the county, and is in Columbia now. In Marion County the colored people were greatly alarmed on account of the demonstrations made by the democrats, and many colored people staid away from the polls on that account and for fear of losing their places.

(Objected to on the ground that the foregoing testimony cannot affect the issue made by the pleadings, Marion County not being embraced in the case.)

C. R. HOWE.

Sworn to and subscribed to before me this 12th day of April, 1877.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

EXHIBIT B.

Darlington County.

Precincts.	Number of votes cast by white persons.	Number of votes cast by colored persons.	J. H. Rainey.	J. S. Richardson.
Whipple's	17	442	444	15
Timmons ville	400	394	312	481
Society Hill	101	390	386	104
Lydia	623	271	231	662
Leavensworth	330	331	298	362
Lisbon	273	126	119	280
Effingham	158	82	79	161
Darlington No. 2	37	447	448	32
Darlington No. 1	317	475	445	347
Florence	287	769	752	303
Total	2,543	3,727	3,514	2,747

Marion County.

Precincts.	Number of votes cast by white persons.	Number of votes cast by colored persons.	J. H. Rainey.	J. S. Richardson.
Campbell's Bridge	248	99	102	245
Britton's Neck	112	94	94	112
Berry's Cross-Roads	289	200	201	286
Cain's	160	174	199	126
Friendship	89	126	123	92
High Hill	182	12	4	188
Little Rock	428	405	377	456
McMillian	188	178	176	187
Marion	380	603	584	395
Mars Bluff	166	308	291	179
Stone's	197	106	103	200
Old Ark	45	5	10	40
Nichols	121	129	121	126
Mullin's	280	109	51	337
	163	72	66	171
Total	3,048	2,596	2,502	3,140

Marlborough County.

Precincts.	Number of votes cast by white persons.	Number of votes cast by colored persons.	J. H. Rainey.	J. S. Richardson.
Smithville	195	239	212	216
Red Hill.....	155	301	272	178
Red Bluff.....	210	160	113	257
Hebron	258	91	21	327
Brightville	218	100	92	221
Bennettsville	240	774	753	251
Brownsville	197	155	124	228
Adamsville	232	54	22	257
Total.....	1,705	1,874	1,609	1,935

STATE OF SOUTH CAROLINA,
Office Secretary of State:

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing are true and correct statements of the number of white and colored persons voting, and of the vote cast for Congressman from the first congressional district at the election held on the 17th day of November, 1876, at the several precincts in the counties of Darlington, Marion, and Marlborough, as appears by the returns on file in this office.

Given under my hand and seal of the State, at Columbia, this 2d day of April, 1877, and in the 101st year of American Independence.

[SEAL.]

H. E. HAYNE,
Secretary of State.

The certified copy from the secretary of state's office introduced here, and marked "Exhibit B," is objected to by contestant for the reason that he does not know that H. E. Hayne, the person signing this certificate, is the secretary of state; and further, that the certificate, except as to Darlington County, is not pertinent to the issue.

D. D. McCall sworn.

Question. Where do you live, and how long have you lived there?—
Answer. In Bennettsville, the county-seat of Marlborough County, S. C.; have lived there for the past eighteen years.

Q. Are you well acquainted with the county and citizens thereof?—
A. I think I am; know the people generally—as much so, I suppose, as any one in the county.

Q. How has Marlborough County gone in the elections since reconstruction?—A. The county in 1868, and at every election since till the last, went republican. In 1874 the Green and Chamberlain contest was very warm and hotly contested in this county, each side, democratic and republican, having full tickets in the field in this county. The republican majority was about 540 or 550 votes.

Q. What is the voting population of this county according to last census?—A. The last census-taker of this county was Mr. P. T. Smith, a democrat, and one of the best and most respectable citizens of the county,

and I hold in my hand the printed report of the secretary of state, containing the census, which shows the number of white males in the county over twenty-one years to be 1,583, and number of colored voters to be 1,925. I have no doubt this census is about correct.

Q. When this census is compared with the white and colored votes, as cast in last election, how does it stand?—A. The certified statement from the secretary of state showing number of white and colored votes cast in Marlborough County, introduced in testimony in this case, and marked "Exhibit B," shows that 1,705 white votes were cast in Marlborough, which is 122 votes over the census, and that 1,874 colored votes were cast, 51 under the census.

Q. What effect had the presence of troops upon the voters of the county?—A. None whatever, in my opinion, towards changing the vote of a single white or colored voter. There was one company of about fifty-six men in the county, and stationed on day of election at Bennettsville, Brownsville, and Red Bluff polls; and I have heard prominent democrats as well as republicans say they did not affect the voting in any way. On the day the troops came into the county the republicans were holding at Bennettsville the only county mass-meeting held by them after the opening of the campaign. A large number of mounted democrats appeared in town on horseback, it was said, to divide time, and had one or more democratic speakers from abroad. When the democrats found the troops were coming they marched in procession on horseback, four or five hundred strong, waving flags and hats, out about a mile, to meet the troops, and marched with them into town, cheering, &c., and in no way attempted to divide time or interrupt the republican meeting, although they had, before it was generally known that troops would be on hand, assembled in large numbers from all parts of the county, coming into the town in companies, with flags, officers, &c.

Q. How was the campaign conducted?—A. With unusual excitement and bitterness, and with demonstrations entirely new in Marlborough County. I refer to mounted processions of democrats. On the 8th of September I saw a large number of democrats from Marlborough and Marion County pass my spring place on horseback and in buggies, armed mostly with guns, going to meet Mr. Whittemore, a republican from Darlington County, who it was reported had come over into Marlborough; this report proved unfounded. On Hampton's day, in Bennettsville, a large mounted procession, composed, say, of one thousand, rode, cheering and hallooing, at a gallop through the town, and on the day of the republican mass-meeting, referred to before, the democrats were out in procession, on horseback, in strong force, and the excitement was intense. Any little difficulty on this day between a white and colored man might have led to the sacrifice of a great many lives.

I heard one of the delegates to the democratic State convention which nominated Hampton say, after he came home, that "they, the democrats, were determined to have heaven or hell, one." I heard Colonel Yeoromans, one of the democratic speakers on Hampton's day, say, in the presence of Hampton, in his speech, that they intended to carry the election; and, if they did not, that there were in the State twice ten thousand men who were prepared to know the reason why. Col. J. S. Richardson, in his speech on this occasion, in speaking more particularly to the colored people present, stated that under republican rule in this State no white man had ever been convicted of murder for killing one of their color, and asked them for this reason to support the democrats, saying they could and would protect them from such things. It is a fact within my knowledge that, in the judicial circuit where this

speech was made, that during the four years previous to that time every white man tried for killing a colored man, having a right to twenty peremptory challenges, had, probably with one or two exceptions, selected entire white jurors to try them, and the argument of Mr. Richardson was tantamount to saying to the colored people that white persons would not be convicted of murder for killing colored persons by the white jurors unless the colored people would assist the democratic party into power.

Q. Do you know anything of rifle-clubs in Marlborough County?—A. Not of my own knowledge. It was reported that they existed in different sections of the county. I think members of the clubs have spoken to me in relation to them, and I have heard the names of several of their officers. The republicans had no organizations, militia, military or otherwise, to my knowledge, and never appeared in procession, with or without horses, during the campaign.

Q. Do you know or have you heard of any instance of personal violence in Marlborough County by colored people of their own color for being democrats?—A. I have not heard of a single instance of violence or threatened violence or anything of the kind by colored people, and would like to state here, in reply to proof of contestant in Sumter and Darlington, about conduct of colored women towards colored democrats, that Hampton, in his public reception in Columbia, on last Friday, said in his speech, as printed in the News and Courier of Saturday, that the democratic victory in this State was not due to the men, but to the women, who refused to look upon those who turned their backs upon their cause. In speaking of rifle-clubs, I would like to state one matter within my knowledge. At the May or January term of court in Marlborough, 1876, a white man by the name of Ross was convicted in court of general sessions for a misdemeanor, but run away before sentence; the judge sealed the sentence and a bench-warrant was issued for defendant and placed in the hands of the sheriff. During the campaign Ross made his appearance in the county and rode in the Hampton procession in Bennettsville, and the sheriff received a note from the county democratic chairman, advising him not to attempt the arrest on that day, owing to excitement, &c. Shortly afterward, say a week or more, one Powers came to me, solicitor of the circuit, saying that Ross belonged to the same club with him, and that they were determined to protect him and keep him from being arrested or going to jail on the sentence of the court, and he has never been arrested yet. I brought this to the attention of Judge Townsend, the presiding judge of the circuit.

Q. Do you know anything of pledges made by the democrats not to rent land to republican voters, &c.?—A. I heard a great deal of this during the campaign in Marlborough, and believed it deterred some of the colored people from voting, and caused others to vote democratic. I have reason to know that these pledges and threats distressed the colored voters more than anything else during the campaign. Have seen colored men with certificates stating that they had voted democratic, and were entitled to the favorable consideration of the party, signed by persons purporting to be officers.

Q. What is the voting population of Marion County, white and colored?—A. The census-taker for this county, at census taken in 1875, was, I think, Maj. O. P. Wheeler, a democrat and competent business man; and, according to report of secretary of state, containing this census, there were 3,081 white voters and 2,883 colored voters, which, when compared with white and colored votes actually cast, as seen by Exhibit B from secretary of state, shows that the white vote cast was but 33

under census, while the colored vote was 287 below the census. There was some actual violence in this county during the campaign, and probably more threatened violence, on both sides, than in any of the adjoining counties.

(Counsel for contestant objects that the notice served is insufficient as to time, being under five days; and, further, that the testimony is not pertinent, the counties of Marlborough and Marion not being in the case; further objects to all matters of hearsay, expressions of opinion, and references by parol to matters of record and parol statements as to other written matter, the writing not being produced; and especially as to the census taken, as to which the witness does not speak from knowledge, but from a printed pamphlet not in evidence. The notice of the testifying of this witness was served on contestant's attorney April 10, at the place where the testimony was taken, on this the 12th, which allows one day for preparation besides the necessary time for travel, and the day of service, exclusive of Sundays, which complies with section 108 of the act. This statement is made at the instance of contestee's counsel.)

Cross-examination :

Q. Is it not a fact that a large number of democratic voters at Malborough are what are termed straight-out democrats, and opposed to any compromise with the opposite party?—A. I think it is a fact.

Q. Was not the contest in the last election unusually warm and exciting?—A. I have already said so.

Q. What delegate to the democratic convention told you that they were determined to have heaven or hell?—A. Mr. Newton.

Q. Are you able to say, from recollection, what was the complexion of the juries in all important cases tried by you as solicitor of the circuit?—A. Not in all important cases; but in the character of cases referred to in the examination-in-chief, I think I am.

Q. Your answer to the question propounded to yourself upon the examination-in-chief would seem to indicate that the white men of your circuit are so partisan in character as to be unable to do justice when colored men are upon trial for their lives. Is this your opinion?—A. You certainly do not understand my testimony. The argument of Mr. Richardson was, under the circumstances, I thought, partisan and unfair to the white jurors, and it is not my opinion nor experience that the white or colored jurors of this circuit are partisan. I have known them, in my opinion, to render improper verdicts.

Q. By your reference to the speech of Governor Hampton, printed in the News and Courier of Saturday, as to the conduct of the women of Carolina in sympathy with the government represented by him, you surely do not mean to attribute to them any improper conduct in the late campaign?—A. Certainly not; but mention the matter to show that the white ladies of the State, according to General Hampton's statement, exhibited great interest in the democratic cause, and for the purpose of showing that the zeal was entirely on the side of the colored women.

Q. Does not the proof on behalf of contestant in the counties named by you show something more than zeal on the part of the colored women?—A. I am not familiar enough with the proof of contestant to say, except I remember Royal Robinson did mention that colored women, I think, drew sticks and brickbats at him.

Q. Did you see the note addressed to the sheriff of Malborough by the democratic chairman in reference to the arrest of Ross?—A. I think I did. The sheriff consulted me about the matter, and I think showed me the note.

Q. Who was the county chairman of the democratic party?—A. C. S. McCall.

Q. Is he not a man of character and one of the leading citizens of Bennettsville?—A. He is a man of high standing in the county, and advised the sheriff against the arrest, owing to the excitement.

Q. Is Powers a man of character and high standing in the community?—A. I know nothing against his character, and is not a man of much influence.

Q. Do you mean to say that it was not in the power of the sheriff to arrest that man Ross?—A. Owing to the circumstances, I think it would have been very imprudent to have done so on Hampton's day. Since the election he has left the county.

D. D. McCALL.

Sworn to and subscribed to before me this 12th day of April, 1877.

[SEAL.]

FRANK F. TEICHER,

Notary Public.

THE UNITED STATES OF AMERICA,
State of South Carolina:

JOHN S. RICHARDSON, CON-	}	Contested congressional election Forty-		
TESTANT,			fifth Congress, first congressional dis-	
<i>against</i>				trict, South Carolina.
JOSEPH H. RAINEY, CON-				
TESTEE.				

I, Frank F. Teicher, notary public of said State, do hereby certify that the foregoing testimony, embraced and contained in the foregoing seventy-one pages, was taken before me at Florence, in the county of Darlington, South Carolina, commencing on the 10th day of April and concluding on the 12th day of April, 1877, on behalf of Joseph H. Rainey, contestee, in accordance with three notices hereto attached; and that said testimony was reduced to writing in my presence and subscribed by said witnesses, they being each duly sworn before examination, each party being represented by counsel.

Given under my hand and seal this 12th day of April, 1877.

[SEAL.]

FRANK F. TEICHER,

Notary Public.

DEPOSITIONS TAKEN AT SUMTER, S. C.

Notice to take testimony.

JOHN S. RICHARDSON, CONTESTANT,	}	Contested election.
<i>vs.</i>		
JOSEPH H. RAINEY, CONTESTEE.		

STATE OF SOUTH CAROLINA,
First Congressional District:

To Col. JOHN S. RICHARDSON,
Sumter, South Carolina:

You will take notice that on the 20th day of March, instant, and from day to day thereafter, at Sumter, in the county of Sumter, S. C., before Frank F. Teicher, esq., notary public, I will proceed to take testimony to be used as evidence in the above entitled cause, and will examine the

following-named persons, all residents of Sumter County, S. C., to wit: S. Skinner, Henderson Reynolds, Zack. Walker, Rans Hendricks, A. G. Spears, Joseph Sumter, Marcus Spann, Edward Bradford, Henry Wilson, David Carter, J. C. Wilson, Andrew Muldrow, Anthony McCoy, A. G. Frierson, William Moore, Jackson Simmons, Benj. Pleasant, Rev. D. Emroth, Bristow Armstrong, W. B. English, Jacob Bethune, James Osborn, James Smiling, M. Douglas, Joseph Cain, G. H. Patterson, Jefferson Keith, Elias Durant, Bryan Wright, Kelly Wilson, Henry McIntosh, Munroe Lowry, H. H. Wells, John F. Smith, J. H. Lagere, Prince Brant, Wm. Singleton, Dan'l Wiley, Washington Gamon, J. N. Corbett, G. W. Murray, Frank Washington, Elias Joe, P. J. Mushon, Sentry Holmes, Sam'l McDuffie, A. Brunson, John B. Johnston, B. Spears, W. J. Andrews, Rev. W. Hams, Harrison Witherspoon, Henry Walters, Rev. W. E. Johnston, Richard Brown, John Gregg, A. Robinson, A. Archerston, Henry Cain, Joe Carter, T. B. Johnston, W. Corbett, Brent Johnston, T. J. Toomey, Rueben Dennis.

March 15, 1877.

JOSEPH H. RAINEY,

Contestee.

Per D. D. McCALL, *Attorney.*

Service accepted of this notice March 17, 1877.

J. S. RICHARDSON.

UNITED STATES OF AMERICA,

State of South Carolina:

JOHN S. RICHARDSON, CONTESTANT,

vs.

JOSEPH H. RAINEY, CONTESTEE.

} Contested election, first district,
South Carolina.

To Col. J. S. RICHARDSON, *contestant*:

Please take notice that, on the 24th instant, and from day to day thereafter, at Sumter, S. C., in addition to witnesses heretofore mentioned, the following-named witnesses will be examined before F. F. Teicher, esq., notary public, on behalf of contestee, in above-stated election, to wit: Joseph Carter, Joseph De Lorme, J. H. Feriter, Thomas Williamson, Oscar Rouche, J. M. Tindall, all residents of Sumter County, S. C.

March 22, 1877.

J. H. RAINEY,

Per D. D. McCOLL, *Attorney.*

Service accepted March 22, 1877.

JOHN S. RICHARDSON.

JOHN S. RICHARDSON, CONTESTANT,

against

JOSEPH H. RAINEY, CONTESTEE.

} Contested congressional election.

Col. JOHN S. RICHARDSON, *contestant*:

Please take notice that, in addition to witnesses of whom notice has been given heretofore, those below named, residents of Sumter County, S. C., will be examined on behalf of contestee, before F. F. Teicher, notary public, at Sumter, in said county, on 26th instant, and from day to day thereafter till all are examined.

March 22, 1877.

D. D. McCOLL,

Attorney for Contestee.

Names of witnesses: Berry Hamton, Fortune York, Isaac James, Mindo Peterson, Abram Plowden, Wm. Sanders, John Simmons, Albert Chaves, Wm. Lewis.

Service accepted March 23, 1877.

JOHN H. RICHARDSON.

UNITED STATES OF AMERICA,
State of South Carolina, First Congressional District :

JOHN S. RICHARDSON, CONTESTANT, }
against
 JOSEPH H. RAINEY, CONTESTEE. }

Testimony taken before F. F. Teicher, a notary public, at Sumter, S. C., this, the 20th day of March, 1877, on behalf of J. H. Rainey, contestee, in accordance with notice.

A. G. FRIERSON (colored) sworn.

Q. Are you a resident of this county? if so, how long have you resided here?—A. I am living in Concord precinct; have been living there all my life-time. Am twenty-six years old.

Q. At what poll were you at the day of election?—A. At Concord.

Q. Do you know Handy Jones, Brutus Benbow, Simeon Haywood?—A. I know them all.

Q. Where did Simeon Haywood live at the time of the last election?—A. In Concord precinct, Sumter County. He was working in the turpentine business in Clarendon County, and would come home at least once a month.

Q. Did he own a home in Concord, and who lives with him?—A. He owns a home in Concord precinct, and his father and mother live with him.

Q. Where did he vote?—A. At Concord.

Q. Did Handy Jones and Brutus Benbow vote also at Concord?—A. They did.

Q. State how long Handy Jones and Brutus Benbow resided in the State.—A. Handy Jones resided here for four years, then went to Georgia on the first of last year, and returned two months and two weeks prior to the election. Considered this his home, and his wife was living here all the time. Brutus Benbow came from Manning; don't know how long he has been in this county.

Q. Do you remember seeing a young man with name of John Green, *alias*?—A. I did see him vote.

Q. Was he not proven to be old enough to vote?—A. He was.

(Objected to, that all the questions asked are legal questions, and the witness need answer to none except yes.)

Q. Were you one of the managers at that poll?—A. I was.

Q. On that day, or during the election, did you see any demonstration of companies of men at or near the polls?—A. I did. I saw a company of white democrats.

Q. Did they march up in a body and vote?—A. I saw them march up in squads and vote in that way.

Q. Were any United States troops there?—A. None there.

Q. What was the feeling of the colored voters in your precinct prior to the coming of the United States troops, as to their being allowed to vote unmolested, as they pleased?

(Objected to as necessarily involving hearsay and opinion.)

A. It was generally talked among the colored people prior to the coming of the troops, that they could not vote as they pleased, and I thought myself that I would not be allowed to vote as I pleased.

Q. What was the cause of this apprehension?—A. A great portion of the colored people were buying lands, and some renting, and it was understood by the colored men that owing to the existence of pledges

on the part of the white people not to rent lands to those that voted the republican ticket, and those that had bought land and had it mortgaged, that the mortgages would be foreclosed if they voted the republican ticket.

Q. Do you know any colored men that were kept from voting on account of these apprehensions of leasing their lands or being unable to rent?—A. I know one—my own father, and am sure of four others.

Q. Did not those pledges keep a large portion of the colored people from voting in your precinct?—A. A great many told me that they staid away, or voted the democratic ticket, on account of these pledges.

Q. What effect did the bringing of United States troops into this county have upon the colored voters?—A. I don't know that it had any effect.

Q. If the bringing of the troops here had any effect at all upon the colored voters, was it not simply to assure them that they could vote freely as they pleased?

(Objected to as leading and opinion.)

A. Yes.

Q. Did you see any troops?—A. Did not see any troops, but heard of them.

Q. Just before the election were there any armed organized white clubs in your precinct?—A. I know there was a club; saw no rifles, but horse-pistols. One white man told me they were bought by them for self-defense, as the government would not allow them to have any arms.

Q. Were the colored people apprehensive that these clubs would interfere with their right to vote?—A. They thought so.

Q. Did the colored people have any armed organization?—A. None. They had brotherhood clubs, but politics were not allowed to enter them.

Q. The colored people were quiet and peaceable; did not make any demonstrations?—A. They were quiet and peaceable.

Q. What did colored people do to colored people that voted the democratic ticket?—A. Not anything. We thought that every man had a right to vote as he thought fit.

Q. Do you know or heard of instances of colored persons being maltreated by colored persons by reason of voting the democratic ticket?—A. I don't know of any, and never heard of any.

Q. Do you know Abram Ruffan, colored?—A. I know him.

Q. Was he a democrat during the last campaign?—A. So he said.

Q. I think that he claimed that he was not allowed to speak at Concord during the campaign?—A. The only contempt he was treated with was we did not go to listen to him; was not prevented from speaking. I saw colored democrats speak in Sumter town. They were not disturbed while speaking.

Q. You mention instances; some men were intimidated from voting by democratic pledges; please mention what happened in relation to your father.—A. On the 6th of November I was at the town; while returning home Mr. J. M. Tisdale, a white democrat, caught up with me on the road; told me he had a message for me; instructed me to tell my father that Col. Blanding said that if he voted against him that he must look out for another place to live. I told this to my father and this kept him from voting, as he had nowhere to go, and it would not do for the family to be thrown out doors in this kind of weather.

Q. Was he going to vote the republican ticket?—A. He was.

(Objected to as hearsay and matter of opinion.)

Cross-examination :

Q. From whom did Simon Haywood purchase land in Concord ?—A. From James P. Brunson.

Q. Are you certain of this ?—A. I am.

Q. It was not his father who purchased the land ?—A. Him and his father purchased the land. He means by this that the young man assisted his father in paying for the land and claims it.

Q. How much money have you ever seen the young man pay for it ?—A. None.

Q. When did Simon Haywood begin to work in Clarendon County ?—A. A year before last.

Q. How long is the longest time you have known him to stay at any one time ?—A. Four weeks.

Q. How long have you known Handy Jones ?—A. For four years.

Q. Where did he come from ?—A. From North Carolina.

Q. When did he come from North Carolina ?—A. I know him ever since 1872, and he told me that he was here a year before that.

Q. Who did he work with when you first knew him ?—A. When I first knew him he was working with Aycock.

Q. How long did he stay in Georgia when he went there ?—A. He told me all the summer season.

Q. Who commanded the company of white men you saw at Concord precinct ?—A. What company ?

Q. The company you told Mr. McColl was there that day of election ?—A. I don't remember saying a company, but I remember of all the white citizens staying there the whole day.

Q. Is that what you meant by the company of white men ?—A. I don't thoroughly understand this thing about company.

Q. What company was it that you saw at or near the polls on the day of election at Concord ?—A. I cannot answer that question.

Q. You were asked this question in the examination-in-chief: "On that day or during the election did you see any demonstrations of companies of men at or near the polls," and you answered, "I did; I saw a company of white democrats." What did you mean by that ?—A. Yes, I did see a company of white democrats when I went there, and noticed that when any one came up with a democratic ticket they came up to the box and seen him put it in.

Q. Is that all you saw in the shape of a demonstration ?—A. To my remember, at that time.

Q. Did you see anything else that day in the shape of a demonstration ?—A. Not anything else that I can recollect.

Q. Who gave the word of command when they marched up in a body ?—A. I did not say they marched up.

Q. Did you hear any white people say that the colored people should not or could not vote as they pleased ?—A. No, I never heard any say that.

Q. State how many colored people lost their land, or against whom the mortgages were foreclosed, for voting the republican ticket ?—A. I don't know that there was any foreclosed, but I know such pledges were made on the part of the land-owners.

Q. Can you name any colored men who were refused land to rent on account of politics ?—A. I do not, but heard of some.

Q. Name some of them.—A. I don't propose to answer that.

Q. Can you name any one ?—A. I can name them, but I do not propose to do so.

Q. If you can name any one, give me the names.—A. I have one man in my mind, but I don't remember his name.

Q. In your examination-in-chief you were asked, "Do you know any colored men that were kept from voting on account of these apprehensions of losing their lands or being unable to rent," and you answered, "I know of my own father, and I am sure of four others." Name these four others.—A. I shall not name them.

Q. I insist upon you telling them.—A. Junius Gregg, Thomas Pringle, Thomas Frierson, William Frierson.

Q. Where does Junius Gregg live?—A. On his own premises.

Q. Has he bought and paid for his land?—A. I don't know whether it is paid for now, but I know that it was not paid for in November.

Q. From whom did he buy land?—A. I don't know exactly; Mr. Blanding has the land in charge.

Q. With whom does Thomas Pringle live?—A. On his own place.

Q. From whom did he buy the land?—A. Don't remember the party; the last time I talked to him it was not done paid for.

Q. Thomas Frierson and William Frierson, are they not related to you?—A. They are my uncles.

Q. From whom did they get land?—A. From the same party Gregg got his land from.

Q. Where did Junius Gregg vote that day?—A. He said he did not vote at all.

Q. Where did Thomas Pringle, Thomas Frierson, and William Frierson vote?—A. Neither of them voted.

Q. Were you at the polls all day?—A. I was there all day.

Q. Name others that staid away or voted the democratic ticket on account of these pledges?—A. Butler McCoy, Nero James, Miller McFaddin, Moses Frierson, Isaac Montgomery.

Q. Which of these told you that they staid away or voted the democratic ticket?—A. Moses Frierson told me so, and the others told other people so.

Q. What relation is Moses Frierson to you?—A. My father.

Q. What caused the colored people to apprehend that the white democratic clubs would interfere with their right to vote?—A. They have their clubs about in different places, and some whites told me that there would not be a colored man but what would vote the democratic ticket on that day, and we thought by that that they would compel us to vote as they wanted it.

Q. At the meetings of the democratic club in Concord Township were the colored people invited to come out, hear the speeches, and to join the clubs?—A. They were.

Q. Were any colored people in your precinct that joined the democratic club?—A. They did.

Q. Would not the whites in that precinct have been glad if all the colored people had joined the democratic clubs?—A. They would.

Q. Did the "brotherhood clubs" turn out, as societies, and march under their banners and officers in the republican demonstration during the campaign?—A. They did.

Q. Were you at the meeting when Abram Ruffan attempted to speak?—A. I was not; don't know whether he attempted to speak.

Q. How do you say then "that he was not prevented from speaking?"—A. I never heard of it.

Redirect:

Q. In your cross-examination you declined to give the names of col-

ored persons who were prevented from voting on account of democratic pledges; why did you refuse?—A. For fear this information to me would injure them with the democrats.

Q. What did you mean in your examination-in-chief in speaking of a company of white democrats; did not you mean they appeared to be under orders, and acting together in crowds?—A. I did.

(Objected to as being a leading question.)

A. G. FRIERSON.

Sworn to and subscribed to before me this 20th day of March, 1877.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

WILLIAM MOORE (colored) sworn.

Question. Where do you live?—Answer. In Concord precinct, Sumter County; was raised there.

Q. Do you know any of the parties, Simon Haywood, Handy Jones, Brutus Benbow?—A. I know all three.

Q. Where did Simon Haywood live at the time of the last election?—A. In Concord precinct.

Q. Was he raised there, too?—A. He was.

Q. Did Handy Jones and Brutus Benbow live there, too?—A. Jones was living in Concord Township since 1873, and Brutus Benbow was living there since 1872; the former went last summer to Georgia to cut turpentine, but left his family in Concord, and considered that his home.

Q. Do you know anything of John Green?—A. I do not know him, and did not hear of anybody swear to his age nor see him vote.

Q. What effect did the presence of the United States soldiers in this county have upon the colored voters?—A. To give them assurances to vote as they pleased; a great many were in doubt about going to the polls—afraid to vote—and, after the troops had come, emboldened them to vote.

(Objected to this answer going in in this shape for the reason that this witness did not give the last portion of the answer to the question which precedes it, but gave it as an answer to another question, which was put to him in the following words, to wit: "Did it not embolden them to vote as they pleased?")

Q. Please state again what effect did the bringing of the United States troops have upon the colored voters in this county.—A. To give assurances to vote as they pleased. A great many were afraid to vote before the troops came, and after the troops came it emboldened them and gave them courage to go up to the polls and vote as they pleased.

Q. What did colored people do themselves to prevent colored people from voting the democratic ticket?—A. Nothing done in my township; we were always friendly towards each other.

Q. Was there any violence done to colored men for voting the democratic ticket?—A. None to my knowledge.

Q. What steps were taken in this county—your precinct—by white people to compel colored men to vote democratic ticket against their wishes?—A. One pledge was, if they did not vote with them they would not rent them any lands. A great many had to leave and hunt another home; that was before the election.

Q. What effect did these democratic rifle-clubs have upon the colored voters; did it not intimidate them as to their privilege of voting?—A

It did; but our township was always very quiet, and we got along quietly.

Q. What did colored people think of those rifle-clubs, and why they were gotten up for?—A. A great many thought to prevent them from voting as they saw fit.

Q. On the day of election, how long were you at the polls before they opened?—A. About fifteen minutes.

Q. Did you see at the polls, after you got there, a crowd of whitemen come up on horseback together?—A. A crowd was there already, about fifty; some were on horses, others hitching their horses, when I got there.

Q. How was the election managed by this crowd?—A. They would be in crowds together—acted peaceably together.

Q. Were colored democratic speakers prevented from speaking in your precinct?—A. I did not go to the meetings, and did not hear of any instances.

Q. About how many colored men in your precinct were made to stay at home or vote the democratic ticket, owing to pledges of the democrats?—A. About nine, to my knowledge.

Q. Those nine men referred to, would they have voted the republican ticket if let alone by the democrats?—A. Would have voted the republican ticket.

(Objected to as opinion.)

Q. Do you know anything about the red democratic tickets used at your polls?—A. Saw two.

Q. Do you know whether any republican was fooled by said tickets?—A. I did not hear of any.

Q. Do you know of any others that were threatened to be turned off if they would not vote the democratic ticket?—A. I don't know of any; heard of some.

Q. Were not those threats made all over the county?—A. All over the county.

Cross-examination :

Q. State the threats or the reasons why the colored people thought they were not allowed to vote as they pleased.—A. They thought so because the democrats said if they don't vote with them they would turn them off their place.

Q. Have you ever heard a white man say that a colored voter should not vote just as he pleased?—A. I never heard that.

Q. Have you ever heard a white man make any threats against a colored voter on account of his voting or desiring to vote the republican ticket?—A. All I know is that they told them they would be turned off their places if they did not vote with them.

Q. Have you ever heard any white man make a threat to injure or to hurt or to abuse a colored man for voting the republican ticket?—A. I did not.

Q. Who was it that said that they would turn them off if they voted the republican ticket?—A. Dr. Pringle, Mr. A. D. Curry, J. M. Plowden.

Q. Do you not know that Curry and J. M. Plowden, neither of them, own a foot of land in the world?—A. I found out since the election they did not own any.

Q. What did Dr. Pringle say on that occasion, or any other time, about turning them off their lands?—A. He never said anything to me then and since.

Q. You have stated that you never heard a white man say that the

colored voters should not vote as they pleased; why, then, were they afraid?—A. A heap of these half-banded ones, poor white folks, talked so much that they were going to carry the election.

Q. Is that what made the colored people afraid?—A. Yes; afraid that they might raise a row, although we did not see any guns.

Q. Then was there any rifle-club in Concord Township?—A. None that I knew of.

Q. Have you ever heard that there was a rifle club in Concord Township?—A. I never did.

Q. Did the white people, or democrats, in any way interfere with the colored voters at your precinct at the polls election-day?—A. They did not.

Q. You say they seemed to act together and in concert; now was not all their action just among themselves, and did they in any way meddle with the colored people?—A. They acted among themselves, and did not meddle with any one.

Q. What did the white men do at Concord, to which you allude in your examination-in-chief?—A. I saw them march about in squads trying to get the colored people to vote with them.

Q. What do you mean by marching about?—A. I don't mean marching about like battle; I mean working about.

Q. In Concord Township were not the white and colored people on the best of terms?—A. So far as I know, they were.

Q. How many rifle-clubs were in the county, that you know of?—A. I did not know of any.

Q. Have you ever heard of any?—A. None, except in Sumter, where there was one and is one.

Q. Name the nine colored men that staid at home or voted the democratic ticket on account of pledges of the democrats, who wanted to vote the republican ticket?—A. James Gregg, Thomas Forisson, William Forisson, Miller McFaddin, Hannibal James, Nero James, Thomas Pringle, Isaac Montgomery, Bob Moore, Jack Pringle.

Q. Do you say that they all told you that they wanted to vote the republican ticket?—A. They did all tell me, before the election, they were going to vote the republican ticket, except Bob Moore, who said that he was living with Mr. Pringle and would not vote against him.

Q. Have any of them told you, since the election, that they wanted to vote the republican ticket and were prevented by these pledges?—A. I have not.

Q. On the day of election-what appointment did you fill?—A. I was appointed and issued out the republican tickets.

Q. Were you not chairman of the republican meeting in your township?—A. I was.

Q. You have said that colored people were threatened with having their mortgages foreclosed against them if they voted the republican ticket; do you know this of your own knowledge?—A. I do not; only heard it from those purchasing lands.

Q. Have you not purchased lands, and is there not a mortgage on the land?—A. Yes.

Q. Have you been threatened with having your mortgage foreclosed?—A. I have not.

Redirect:

Q. You stated in your cross-examination that Plowden and Curry owned no lands. Is it not a fact that they ran a large turpentine business and employ a great number of hands?—A. Yes.

Q. You say you don't know of any rifle-club in your precinct. Is it not a fact that a great many of the democrats, previous to the election, purchased large pistols?—A. Yes.

Q. You don't know of any but one rifle-club in Sumter; may there be not many others in the county that you never heard of?—A. Yes.

Cross-examination continued:

Q. When were the pistols purchased you referred to?—A. About a fortnight before the election.

Q. From whom were they purchased?—A. From Mr. Scurry, as I am informed.

Q. Who purchased them from Mr. Scurry?—A. Mr. Newman, for one; don't know of any other.

Q. Did you hear of any others?—A. I did not.

Q. Did you hear of any others who got pistols from anybody else?—A. I did not, but I saw them have pistols.

Q. Who did you see have them?—A. Saw Doc Brogden, Seymore, and a great many others I did not know.

Q. Were those you saw new or old?—A. Looked like new pistols.

Q. Were you born and raised in Concord?—A. I was.

Q. Don't you know everybody in Concord, white or black?—A. Know nearly everybody around about here.

Q. The people you referred to having pistols, did they live in Concord township or in the county?—A. They staid in the township and in the county.

Q. You cannot name any other?—A. Mr. Scurry and Plowden.

WILLIAM ^{his} + MOORE.
mark.

Sworn to and subscribed to before me this 20th day of March, 1877.
[SEAL.]

FRANK F. TEICHER,
Notary Public.

ANTHONY MCCOY (colored) sworn.

Question. Are you a citizen of this county; if so, how long?—Answer. I am, and have been a citizen of Concord Township for 32 years.

Q. Are you pretty well acquainted with the colored people of your township?—A. I am.

Q. What was the feeling of the colored people prior to the coming of the troops as to whether they would be allowed to vote as they pleased or not?

(Objected to as opinion.)

A. The colored people did not think they were allowed to use their franchise prior to the coming of the troops.

Q. What demonstrations on the part of the whites, or what was it that caused the colored people to be apprehensive?—A. The whites said that if the colored people would not vote with them they would not rent the colored people any lands, and them that bought foreclose the mortgages.

Q. Did you not hear a good deal of talk that the white people were forming clubs?

(Objected to as leading.)

A. I did.

Q. A few days before the election a few soldiers came. What effect did this have on the colored people?—A. It gave them free privileges to

vote as they pleased, to vote as they wanted to, the republican ticket, and others that wished to vote the democratic ticket.

Q. Do you know whether the democrats of this county passed any resolutions to keep the colored people from voting the republican ticket?

—A. It was said that if the colored people would not vote with them they had to leave the premises and hunt another home.

Q. You know any colored person that was kept from voting the republican ticket on that ground?—A. I know some, and heard of a great many more.

Cross-examination :

Q. Who told you, or who told any colored men that you know of, that the colored people would not be allowed to vote as you pleased?—A. Mr. Willis Brown, Harvey Dingle and Joel Brunson, Jim White, and heard several others say so, but cannot remember their names.

Q. How did they say they would be prevented from voting as they pleased?—A. They would make them vote as they wanted them to vote, as they see proper.

Q. Were any threats made by those persons?—A. They would not rent them any lands, furnish them no provisions, and did not hear any threats of personal violence of any kind.

Q. After the troops came, did the white people change their tactics and say that they would rent lands or furnish provisions?—A. Did not hear of any such changes of tactics.

Q. How, then, can you make out that the coming of the troops in any way enlarged or curtailed the privilege of voting as they pleased?—A. Before the troops came, I felt myself that I would not have the privilege of voting as I pleased; a great many more in the neighborhood felt similar.

(Objected to as not being in response to the question and involving hearsay.)

Q. What made you afraid?—A. My idea, my opinion was that we would be overcome in various ways.

Q. Did anybody threaten to beat you, to whip you, to kill you, for voting as you pleased?—A. They did not; but most as well had done it.

Q. What did they do or say that most as well have done it?—A. Riding about in clubs; a man did not feel like a free man, seeing men ride about in that way.

Q. How did they ride about?—A. Ride in groups; looked as if they were up for something, could not say what.

Q. How many were in gangs?—A. I don't know; did not count them.

Q. Were the gangs armed with musket-rifles?—A. They had horse-pistols.

Q. Where was it you saw that?—A. In Concord Township; saw them passing along the road and in the woods.

Q. Did they make any threats whatever?—A. They went to one old man's house and told him if he did not vote right they would put him outside.

Q. Did you hear of any other threats made?—A. Did not hear of any other threats.

Q. Who was the old man?—A. Primus Shaw.

Q. Who were the men that went to Primus Shaw?—A. Mr. Mahoney, J. M. Plowden; do not remember the others.

Q. You were there and saw this yourself?—A. I was not, but the old man told me.

(The whole is objected to, being hearsay, by contestant.)

Q. Were any soldiers at Concord precinct?—A. None.

Q. When did you hear the soldiers were here?—A. Prior to the election.

Q. Where do Mr. Plowden and Scurry carry on their turpentine farm?—A. At Concord Township, near Concord church.

ANTHONY ^{his} + McCOY.
mark.

Sworn to and subscribed to before me this 20th day of March, 1877.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

JAMES E. SMILING (colored) sworn.

Question. Are you a citizen of this county?—Answer. I am, for 35 years; live in Privateer precinct of this county.

Q. Are you a minister of the Gospel?—A. I am.

Q. At what poll were you at the late election, and in what capacity?—A. At Privateer; I was one of the managers.

Q. How long or at what time were the polls opened?—A. We went in before daylight to the office. I suppose it was after daylight before we were ready; had to get ready by candle-light.

Q. Were the polls kept open until 6 o'clock in the evening?—A. They were.

Q. Did every one entitled to vote have an opportunity to do so at your poll?—A. Yes.

Q. Who was acting as clerk for your board?—A. Mr. Cain, the democratic manager.

Q. Was he sworn?—A. I understood him to be so on his own statement.

Q. Did you keep a poll-list?—A. Mr. Cain, the clerk, kept the poll-list.

Q. You acted as chairman of the board of managers?—A. I did.

Q. Were the persons who voted at that poll sworn before they voted?—A. They were sworn; administered the oath sent there by the commissioner of election—a written oath.

Q. Repeat the oath to the best of your recollection.

(Objected to his repeating it, inasmuch as it was written out and forwarded with the testimony by contestant.)

Q. Do you know what became of the written oath you used in swearing voters?—A. It was put in the box with the votes and poll-list.

Q. Are you a member of the brotherhood society?—A. I am the president of that club.

Q. Tell us as to the character of the organization and its objects.—A. The object is charity, to save the little they can spare to be used in case of need, and as president of it I don't know of any other objects than benevolence.

Q. Does not the constitution and by-laws prohibit the discussion of politics?—A. I am not certain; I think politics are prohibited.

Q. Is there in your neighborhood any other colored organization excepting the church and this brotherhood; that is, during the campaign?—A. No others.

Q. What organization existed among the democrats in your precincts before and during the campaign?—A. I don't know of any but a democratic club.

Q. What influence did the presence of United States troops have upon the colored voters?—A. None, to my knowledge, in my precinct.

Q. If the bringing of the troops had any effect at all upon the colored voters, would it not embolden them to vote as they pleased?—A. That might possibly be the effect.

Q. Before the coming of the troops, was there not a general apprehension among the colored people that there would be trouble?—A. There was before and after they came in the minds of the colored people.

(Objected to the last two questions and answers as being leading and matter of opinion.)

Q. Were there not great efforts made during the campaign by the democrats to prevent the colored people from voting the republican ticket, by threatening not to rent them land nor furnish them employment, &c.?—A. I heard a good deal of talk of that kind by colored people, but no white man told me so.

Q. Did not these threats create a feeling of alarm among the colored people?—A. They did.

Q. State whether colored people were threatened by colored people for voting democratic.—A. If they did, it is more than I can say; heard of one instance where one colored man voted the democratic ticket; had some dispute.

Q. Don't you believe that the vote of the colored people would have been larger if it had not been for these threats?—A. Some colored men stayed at home on that account, and there might have been some few instances of staying at home owing to these fears.

Cross-examination:

Q. Do you own a watch?—A. I do.

Q. Did you have your watch with you on the day of election?—A. I had my watch there that day.

Q. Did you not compare your watch with other watches to fix the time when the polls were opened that day?—A. I did.

Q. What caused the delay that day in opening the polls?—A. One of the managers was not present; neither was the box.

Q. Did you not have to send for the box?—A. I did.

Q. When the box came what caused a further delay?—A. No key could be found at that time.

Q. What was the hour when the polls were really opened?—A. I disremember, but it was after 6 o'clock when the box came; it was raining and the office was locked up; caused another delay in getting a key, which had to be sent for.

Q. Was there not a large store then open?—A. The store was open, and I think there was an objection to using the store.

Q. The office you refer to, was it private property?—A. It was.

Q. Did not the brotherhood societies turn out in the republican demonstration they had, and march with their banner in the procession?—A. They did once at Sumter that I know of.

Q. Did the brotherhood societies ever turn out in democratic organizations?—A. They never did.

Q. Do I understand you to say that in your neighborhood, that is, in Privateer precinct, the white people were under any pledge or promises, or made any threats not to rent land or to employ colored people because they voted the republican ticket?—A. I have heard it so rumored by the colored people, but nothing from any white person.

Redirect:

Q. About how long after 6 o'clock in the morning was it when the polls were opened at Privateer?—A. As near as I can recollect, I think it was not more than a half an hour, if that long, after 6 o'clock.

Q. Was not this delay unavoidable?—A. One of the managers and the box were not there exactly at 6 o'clock, and then the rain required the use of some building to which the key had to be found first, causing another unavoidable delay.

Q. You mention in your cross-examination that the brotherhood societies turned out in procession on one occasion; was not this the occasion, the time, when Governor Chamberlain was going around previous to the opening of the campaign addressing the people generally?—A. It was on that occasion.

J. E. SMILING.

Sworn to and subscribed to before me this 20th day of March, 1877.
[SEAL.]

FRANK F. TEICHER.

Notary Public.

SAMUEL MCDUFFIE (colored) sworn.

Question. Where do you live, and how long have you lived here?—Answer. Been living in Sumter since shortly after the emancipation.

Q. You are familiar, I suppose, with the character of the last campaign?—A. I am.

Q. Was the campaign very exciting and hotly contested?—A. It was.

Q. State what sort of a campaign was it; what was done by the democrats during the campaign.—A. Persuade the colored people to come over and vote with the democrats; if not, that they would be discharged.

Q. Did you see anything like rifle clubs or organizations?—A. I have. (Objected to as leading.)

Q. Where did you see them?—A. In Sumter; they were drilling with guns; had seven-shooters.

Q. When was it you saw the rifle-clubs drilling with guns?—A. Before the election and after the election; saw them drill night before last.

Q. During the campaign, did you hear any of the democrats or their speakers make any threats as to carrying the election for the democrats peaceably if they could, forcibly if they must?—A. I heard H. Schwerin say so, and no one else.

Q. The colored people, did they feel uneasy before the arrival of the troops, as far as their right to vote was concerned?—A. If they were all like me they were uneasy, because I was uneasy; could not speak for others.

Q. Have you not heard a great many say so?—A. I have.

Q. What was the cause of your uneasiness?—A. From the opening of the campaign and the preparation made I thought they would drive us to vote the democratic ticket or none.

Q. What was the effect of the coming of the troops upon the mind of the colored people?—A. I did not see but three; thought that they came to preserve the peace and make the election a quiet one.

Q. On Hampton's day, what sort of a demonstration was made on the part of the democrats?—A. I saw lots of men, a large demonstration, on horseback, carriages, march through the streets up to the grove.

Q. On the republican day, did they have a procession too?—A. They had a large procession on horseback and carriages.

Q. On the day of the republican demonstration, were any democratic horsemen present?—A. There was; could not tell the number; saw a good many. The republicans came down Main street, were interfered with by the democrats by riding through our ranks at different times; it was done twice; they cut through our lines; they, cutting through our lines, broke our procession in two.

Q. They cutting through the lines, did it have the appearance of bringing on a collision?

(Objected to as leading.)

A. It did.

Q. Was this before the troops came?—A. It was.

Q. Do you know any persons who were threatened with being turned off if they voted the republican ticket?—A. I know some of them.

Q. Did you not lose a position yourself on that ground?—A. I did.

Q. Were you told beforehand that you would lose your position?—A. My employer told me if I would not support his ticket he could not support me any longer.

Q. You have heard of a great many instances of that sort?

(Objected to as leading.)

A. Yes.

Cross-examination:

Q. Do you remember a democratic demonstration held in Sumter, two days after Governor Chamberlain made his speech here?—A. I do.

Q. During the time that the democrats were speaking, did anybody create a disturbance?—A. The meeting was disturbed.

Q. Were you on the step when it was disturbed?—A. I was.

Q. Whom were you then with?—A. By myself—was then with Mr. Curtis.

Q. Any other republicans up on the stand?—A. I did not see any other.

Q. Who was it brought on this disturbance?—A. Mr. Curtis.

Q. Did you take any part, or offered to take any?—A. I did not.

Q. How many rifle-clubs did you see in Sumter?—A. One.

Q. Did you ever see any other rifle-clubs?—A. Never have in a long time before this election and the previous election.

Q. How many times did you see the rifle-clubs drill?—A. I saw it several times before the campaign opened.

Q. Did you ever see it drill after the governor issued his proclamation disbanding the club?—A. Did not take any notice; saw the club drill night before last.

Q. Was H. Schwerin a leader or speaker in the last campaign?—A. No; he is a storekeeper.

Q. Were any threats of personal violence of any kind made against you or others during the last campaign?—A. Against me by Mr. Schwerin, who threatened to put 14 bullets through me, and that I would be the first nigger killed in the first row that would take place in Sumter.

Q. When was it Mr. H. Schwerin told you so?—A. I cannot recollect the particular time; think it was three weeks before the election.

Q. What made him say that?—A. I went to see the band coming from Lynchburg; I was working in front of the band when passing his store; stepped in the store of H. Schwerin to get a piece of tobacco; met Mr. Gregg, who had an account for a coffin delivered to a relative of mine against me; while discussing political matters with Mr. Gregg, Mr. H. Schwerin approached me, told me not to discuss politics in his store; I told him I was not discussing politics; left his store with Mr. Gregg, who advised me to leave the store, and while out on the sidewalk Mr. Schwerin abused me, used abusive language repeatedly, and told me that he would put 14 shots through me.

Q. Were any other threats made against you?—A. No others.

Q. How many times did the whole democratic procession pass through the republican procession?—A. Twice.

Q. Do you know whether the democratic meeting was called for before the republicans called their meeting on that day?—A. I do not know.

Q. Who was your employer turned you off?—A. Mrs. I. T. Solomons.

Q. When did she turn you off?—A. November 9, 1876.

Recalled :

Q. Abram Ruffan, witness for contestant, heretofore examined in this case, said in his testimony that you threatened him with personal violence. Is this so or not?—A. I never threatened him; talked to him about politics; he spoke to me on the street, when he was drunk, and said to me "You had better come to the hall and attend our meeting."

Cross-examination :

Q. Have you ever used any threatening language generally or toward any colored man who would not vote the republican ticket?—A. I never did.

Q. You never did make any threats during the campaign against colored men that would vote the democratic ticket?—A. I never did.

[SEAL.] SAMUEL ^{his} McDUFFER.
mark.

Sworn to and subscribed to before me this 21st day of March, 1877.

Rev. W. E. JOHNSTON (colored) sworn.

Question. How long have you resided in Sumter County?—Answer. Nearly 11 years.

Q. About how long have you been senator of this county?—A. Ever since reconstruction, one year excepted, a legislative year.

Q. Two years ago last fall, who were the candidates for governor in this State?—A. Chamberlain and Green.

Q. At the same election, who were candidates for Congress?—A. J. H. Rainey and Samuel Lee.

Q. Green and Lee, were they both citizens of this county?—A. They were.

Q. On what ticket were Green and Lee running?—A. On the independent republican ticket, and Chamberlain and Rainey on the regular republican ticket, the only two tickets out during that election.

Q. In that election how did the republicans of Sumter County vote?—A. They voted solid for the Green and Lee ticket, excepting about 500 votes.

Q. The democrats of this county, what ticket did they support?—A. The Green and Lee ticket.

Q. Judging from these facts, there was no contest at that time between the two parties?—A. There was none.

Q. What were the politics of both Green and Lee?—A. Republicans.

Q. In the last election, how were the party lines drawn?—A. Strictly democratic and republican.

Q. What was the character of the campaign?—A. Pretty warmly contested, the warmest I ever have seen in the State.

Q. Previous to the coming of the troops, what was the feeling among the colored people, or what were their apprehensions as to collision or the probabilities of such?—A. Two months before the election, the democratic speakers, both white and colored, went through the county making political speeches, so much so that it created a great deal of uneasiness in the minds of the republicans to this extent, that many were apprehensive that the republicans did not dare to make any speeches in

the county. I, being the county chairman of the republican party, was called upon by numbers of colored republicans to give my reasons why the republicans were not canvassing the county; my answer was that we had time enough to do so, that we were able to beat the democrats. About five weeks before the election, we commenced to canvass the county, and in doing so we were told at every precinct that the democratic speakers had promised to discharge every man in their employment who would vote the republican ticket, and about three or four days prior to the coming of the soldiers the republicans became very uneasy about voting, having been told by the democrats and their speakers that they would be watched at every poll, so much so that the executive committee of the republican party took it into consideration whether it would be necessary to have soldiers here or not. I, as county chairman, dissented from the executive committee, but, to satisfy the majority of the republicans, soldiers were sent for and came, which resulted in the satisfaction of the majority of the republicans.

(Objected to as much as is hearsay and opinion.)

Q. Were not the speeches and conduct of the democrats in the county such that it caused a feeling among the democrats generally that made prominent republicans feel apprehensive in taking part in the canvass of the county?—A. It was; especially by the democratic colored speakers, some of them being very inflammatory and violent.

Q. In the second above answer you mention the fact that the democrats and their speakers said that the republicans would be watched at every poll; please explain more fully what you mean thereby.—A. I judge by saying watched that they meant to watch the voting of the colored people, to carry out their threats for discharging, &c.

(Objected to as matter of opinion.)

Q. Did or did not the democrats organize rifle-clubs during the campaign throughout the county?—A. It was so reported and generally so understood by republicans. (Objected to as hearsay and opinion.) In the town of Sumter I know to my own knowledge there existed a rifle-club.

Q. Do you reside in the town of Sumter?—A. I do, and have ever since I have been living in the county.

Q. Have you ever heard of this rifle-club prior to the opening of the campaign?—A. It was organized some years ago; and one night, four or five weeks before the election, it was drilling in the hall.

Q. Did or did there not exist in the minds of the colored people, owing to the existence of the rifle-clubs and the demonstrations made by the democrats, a feeling of insecurity and apprehension of trouble in exercising their right to vote?—A. I don't know as to the apprehension of the rifle-clubs, but I can say this, that four days before the democratic demonstration, when General Wade Hampton and others spoke here, that I issued a call for the republican demonstration, to follow the Saturday after the Hampton demonstration; the call was obeyed, but with a great deal of apprehension; and what created their fears more was, on the day of the republican demonstration, that the democrats did on that day assemble in large numbers, and during the marching of the republican procession their lines were opened by a troop of democrats on horseback, which created a great deal of fear and apprehension of bloodshed.

Q. Did the proclamation of President Grant and Governor Chamberlain, disbanding rifle-clubs, have any effect upon the colored voters?—A. I can swear it had not.

(The question objected to as leading and the answer as opinion.)

Q. What effect did the coming of troops have upon the colored voters in this county?—A. It had this effect, to give satisfaction to the colored republicans, who were determined to vote the republican ticket, that they could do so unmolested.

Q. Did it cause colored men who intended to vote the democratic ticket to vote the republican ticket?—A. It did not; and, in addition, heard one of the officers say they were here not to influence them to vote democratic or republican, but they shall vote, and vote independently.

Q. What is the republican majority of this county on a fair vote?—A. Near two thousand.

Q. In the examination of witnesses for contestant, certain charges and allegations were made against you as to political conduct during the campaign?—A. I desire to deny that I ever made an inflammatory speech in this county. I deny, further, that I ever made a political speech in my church or mentioned politics in my church; deny still further that I ever turned out of my church any member on account of politics, or made any threats of so doing it; but, to the contrary, I stated time and again in political speeches, and in services during the Sabbath day, that the church had nothing to do with politics. I desire to say this, that the parties misrepresented me in their testimony; they themselves have voted the democratic ticket.

Q. Where were you on the day of election?—A. At Stateburg.

Q. Did the colored people go to the poll with arms?—A. They did not; they had no arms; but, to the contrary, I saw a wagon drove up to within 75 yards, more or less, of the polls, in the yard of Mr. Crane, covered around with bagging, and on the inside of that wagon there were guns; said wagon brought there by democrats.

Q. Did the colored people of this county have in their possession during the last campaign any arms belonging to the State?—A. They did not.

Q. Were there any colored militia in the county during the last campaign?—A. None.

Q. Have they ever had any militia here?—A. There was a company here four or five years ago, of about fifty men, who had State arms; existed for about three or four months; were disbanded through a petition of the white citizens of the town, and the sheriff instructed to collect the arms.

Q. What became of the arms?—A. They were placed in the jail, and destroyed at the time the jail got burned.

Q. In order to carry out the policy of non-employment on the part of the democrats to colored persons who voted the republican ticket, have you not seen or heard of certificates being issued or prepared to those who voted the democratic ticket?—A. I seen one such certificate and saw such statements made in democratic newspapers.

Q. Were not the prominent democrats of the county pleased with the coming of the troops, and did they not so express themselves?—A. I heard several say so.

Q. Did not the contestant in this election express himself so?

(Objected to as opinion.)

A. I so understood him.

Q. There was used on the day of election a bogus red democratic ticket, headed their republican ticket, and made to resemble in all particulars the regular republican ticket; please state what effect this ticket had in the election.—A. It fooled a great many. I am certain that two

men were fooled at the precinct where I was—Stateburg—and think it had that effect all over the county.

(Objected to as opinion.)

Q. Were not those tickets used openly or slyly?—A. Slyly at Stateburg, where I was.

Cross-examination:

Q. You say you have been here eleven years; where did you come from when you came here?—A. From Charleston.

Q. In the election two years ago, when Green ran against Chamberlain, was there much interest excited in the election?—A. There was a little interest.

Q. Did you not take a very active part?—A. I took an active part.

Q. Did you and other republican speakers not canvass the county?—A. I did.

Q. Was or was not Judge J. T. Green, the candidate, a very popular man with all parties and classes of men in this county?—A. He was.

Q. In the last election in this county, were there not colored men, formerly republicans, who ran on the democratic ticket?—A. There was, only for some of the county offices.

Q. What proportion were colored men, what white men?—A. They started half and half, till one withdrew.

Q. You have stated that the last election was the warmest you have ever seen in the State; notwithstanding that fact, was there any disturbance in this county during the campaign, brought about by politics?—A. Only one, to my certain knowledge.

Q. To which one do you allude?—A. The republican great demonstration, just after that of General Hampton.

Q. What difficulty or disturbance then occurred, to which you refer?—A. I refer to the democrats mounted on horses riding across our lines, severing the procession, having had knowledge eight days prior that our meeting would take place.

Q. At that time, was anybody, white or colored, assaulted or in any way injured or abused?—A. The line of the republican party was assaulted and broken.

Q. I repeat, was any individual touched, or threatened in language, on that occasion; if so, who was it?—A. No individuals were assaulted, but they were as a body threatened by the democrats.

Q. Who made the threats?—A. Mr. Schwerin, who rode beside Mr. Earle.

Q. What did he threaten?—A. He threatened that they would have their sport as well as the niggers.

Q. Did he, or anybody else, make any other threats?—A. None to my knowledge.

Q. Were there any other disturbances in the county that you know of?—A. None to my knowledge.

Q. You have stated that democratic speakers, both white and colored, went through the county making political speeches; did not republican speakers, both white and colored, go through the county, previous to the coming of the troops, making political speeches?—A. They did.

Q. Were any of them prevented from speaking?—A. Not to my knowledge.

Q. Did you not go around the whole county with the speakers?—A. Not the whole county.

Q. You say, in your answer in the direct interrogatory, that you were told at every precinct that the democratic speakers had promised to dis-

charge every man in their employ who would vote the republican ticket; did you hear any democratic speaker make such a declaration, and if so, who?—A. I heard one.

Q. Who was it?—A. Pinckney Davis.

Q. Was he white or colored?—A. Colored; but in a white meeting.

Q. Whom had he in his employ that he could have discharged?—A. Some of the speakers that were traveling through the county with him, setting forth the democratic principles.

Q. So far as you know, had he any one else in his employ?—A. None, except as above stated; but witness considered Pinckney Davis simply announcing the policy of the democrats.

Q. Did you hear this from any other democratic speaker?—A. I did not.

Q. What democrats and their speakers said that the colored people would be watched at every poll?—A. I don't remember their names; heard several say so at the public meeting.

Q. In canvassing the county how did the republican speakers go through the county?—A. They did so openly, in a body, with a brass band.

Q. How were they received through the county?—A. As a general thing they were well received, with but two exceptions, by the democrats.

Q. What two exceptions?—A. At Bishopville and Mayesville.

Q. What took place at Bishopville and Mayesville?—A. We were cursed at, and threats were made in both places by democrats on horseback.

Q. Were there any meetings at Bishopville or Mayesville you refer to?—A. No; there was none; the democrats were standing in a group of fifty, and more on the highway, and cursed.

Q. What number of republicans assembled to meet you at Bishopville?—A. About 200.

Q. What number met you at Mayesville?—A. About 500—600 or more.

Q. Did the brotherhood societies turn out in Mayesville under their banners?—A. Some of them were there.

Q. At the grand republican demonstration you refer to, on the Saturday after Hampton's demonstration, did the brotherhood society turn out in Sumter, marching with their banners?—A. They did turn out in full force, and are not a political organization.

Q. What number of republicans do you estimate turned out in this demonstration?—A. Including women, children, and men, about 5,000.

Q. Were there a good many women and children out on that occasion?—A. There were.

Q. You state that you heard one of the officers at Sumter say "they were here not to influence them to vote democratic or republican, but that they shall vote, and vote independently." Is this your language or the language of the officer?—A. The language of the officer.

Q. About what number of colored votes were polled at Statesburg?—A. I don't remember exactly.

Q. Was it in the neighborhood of 400?—A. Perhaps it might have been more; don't remember.

Q. About what number of white votes were cast there?—A. My mind is equally as treacherous. I mean by the word treacherous, I do not remember.

Q. In Statesburg precinct what is the proportion of colored voters to white voters?—A. I don't know.

Q. Are there not more than four to one?—A. I am unable to say.

Q. You were present there on the day of election?—A. I was.

Q. Did you see the votes counted?—A. I did not.

Q. Did you see the arms in the wagon you refer to that was at Statesburg, in Mr. Crane's yard?—A. I did.

Q. How many were there?—A. I saw two double-barreled guns.

Q. Were these two guns taken out and exhibited that day?—A. They were not.

Q. Do you know of your own knowledge that the arms belonging to the State which were once in the hands of the colored company at Sumter were given up or destroyed?—A. I do know that most of the arms were given up to the sheriff, and destroyed by the fire at the burning of the jail.

Q. According to the published statement of the votes polled at Statesburg, what number of republican votes were there?

(Objected to, on the ground that the published statement in the hands of the witness should be offered in evidence instead of being referred to in the manner indicated.)

A. Four hundred and eighty-four for Hayes, 100 for Tilden.

Q. How many United States deputy marshals were appointed for this county?—A. I think there was one for each precinct.

Q. How many precincts are there?—A. Seventeen or eighteen.

Q. Were any of these United States marshals democrats?—A. I think some democrats; two in the direction of Bishopville.

Q. Will you name the democrats?—A. I am unable to name them.

Q. Were they not all appointed on the suggestion of the republican executive committee?—A. I think they were. I was not here at that meeting.

Redirect:

Q. Please look at the published statement of the vote of this county handed you by Mr. Richardson, and give the total white vote of the county and the total colored vote; the total vote for Mr. Richardson and the total vote for Mr. Rainey for Congress.—A. The total white vote, 1,965; the total colored vote, 4,295. The total vote for Mr. Richardson, 2,389; the total vote for Mr. Rainey, 3,849.

Q. It appears that some colored men were on the democratic county ticket on the last campaign. Were they men that had any influence over the colored men in the county?—A. None had any influence to control the vote of the county.

Q. You were asked in regard to language used by an officer in regard to voting. Was it in conversation or not?—A. It was in conversation, on the street, to four or five whites and colored together.

Q. When he used the language to vote, "Vote, and vote independently," what did you understand from it?—A. I understood him to mean this, that every one, both colored and white, could vote as they pleased without fear or intimidation.

(Objected to, on the ground that the witness is not an expert as to the meaning of language, and that it is merely his opinion as to what it meant, the language used being itself given.)

Q. Did those officers or soldiers that were here, by act or word or otherwise, interfere or influence anybody in regard to voting?—A. They did not.

(Objected to, as an opinion.)

Q. Do you know it as a matter of fact that they did nothing in any manner, shape, or form in relation to the election?—A. I do know they did not.

Witness desires to say that the brotherhood is not a political organization; was organized in the county two years ago strictly as a benevolent organization as to its members, and by no means a political organization.

Q. What about there existing in this county, brought about by the republican party, a system of terrorism which would prevent colored men from voting democratic?—A. It was not so.

(Objected to, as not being in reply to anything in the cross-examination, and as opinion.)

Cross-examination on this point tendered to contestant by contestee's counsel.

Q. Do you know of any instances of violence being offered to colored democrats by colored people, you being familiar with the county?—A. I am familiar with the whole county during the election and since, and don't know of any instances.

Q. Do you know Royal Robinson? If so, please state what you know of him.

(Objected to, as not being in reply to anything in the cross-examination.)

A. He is an eccentric man, and subject to practical jokes on the part of almost everybody.

Q. Do you know whether he was one of the democratic speakers?—

A. I only know it from newspapers.

Q. Did you hear his testimony given in this case for contestant?—A. I did not.

W. E. JOHNSTON.

Sworn to and subscribed to before me this 21st day of March, 1877.

[SEAL.]

FRANK F. TEICHER,

Notary Public.

MONDAY DOUGLAS (colored) sworn.

Question. On the day of the last election, at what polls were you, and in what capacity?—Answer. I was a manager at Stateburg poll.

Q. Who was the clerk of the board of managers?—A. George H. Patterson.

Q. Was he sworn as clerk, or not?—A. He was sworn.

Q. Did he keep a poll-list, or not?—A. He did; kept a complete poll-list.

Q. Of the three managers at that poll, how many were democrats?—A. One; and he was chairman of the board.

Q. Do you know that the poll-list was kept according to law, and kept correctly?—A. It was.

Q. Was not this poll-list kept in the immediate presence of all the three managers during the whole election?—A. It was.

Q. Were you present here in the town when the Stateburg box was opened after the election?—A. I was.

Q. For what purpose was it opened?—A. It was on account of a clerical error by the managers in making up their statement in giving the vote for attorney-general to the comptroller-general.

Q. Was there any other clerical error for which the box was opened?—A. No other.

Q. Was the vote for Congressman changed by the opening of the box in any manner?—A. It was not.

Q. Were not all three of the managers at your poll sent for and

present when the box was opened, and was not Colonel Blanding, the democratic county chairman, also present?—A. We were sent for, and all present; so was Colonel Blanding.

Q. Before the coming of the United States troops, what was the feeling of the colored people in regard to the election; did they think they could have a free and quiet election, or were they apprehensive of trouble?—A. We did not think it would be a quiet election; expected trouble.

(Objected to as opinion.)

Q. Did you feel so yourself?—A. I did feel so myself, and many others expressed the same feeling to me.

Q. What effect did the presence of the troops have upon the colored voters?—A. After they arrived the colored people seemed more satisfied and felt they could vote as they pleased.

Q. Were the democrats in your township organized?—A. I did not see them organized in rifle-clubs, but they were organized, and met in Mr. Crane's store, up-stairs, every other Saturday.

Q. On the day of election, did you see any colored person at or near the polls with a gun?—A. I did not.

Q. What was the report among the colored voters of your township as to pledges made by the democrats not to employ colored voters who voted the republican ticket?—A. I heard three or four say that they were told by their employers that if they did not vote with them they would be discharged.

Q. What effect did this have in your township?—A. It kept some from voting, and others had to do so secretly.

Q. Colored people wishing to vote the democratic ticket, could they do so unmolested?—A. They could. Know of no instances of any violence being done to colored democrats or offered to them.

Q. Did colored democrats speak in your township?—A. They did, and were entirely uninterrupted.

Cross-examination :

Q. Who swore G. H. Patterson?—A. Dr. Spann.

Q. What oath was administered to him?—A. The same oath we took before the clerk of the court.

Q. Did Dr. Spann have the oath written out or did he read it from a book?—A. He read it from a book and had it afterward written out. I am not sure about the book; it might have been a pamphlet.

Q. What does the law prescribe as the correct mode or manner of keeping the poll-list?—A. Keep a record of every person voted. After the poll-list closed we counted the votes each candidate received and made out a statement.

Q. Did you get this out of a law-book?—A. We were furnished with printed instructions.

Q. Tell how you counted the votes at the polls.—A. We counted the tickets and votes both, and credited each candidate with the votes he received.

Q. Did the managers at that poll read out the names on each and every ticket that was polled there?—A. They did.

Q. Did they not put all the red tickets in one pile and those that were in black ink into another pile, and then count the tickets that were in the red pile and score one vote to each candidate on the republican ticket for every red ticket?—A. They did not.

Q. You swear that the names voted for on each and every red ticket, and every ticket in black ink, were read out from the head of the ticket

to the last name on the ticket as the ticket was taken out?—A. I won't swear to that. We selected straight tickets and put them into one pile, and the scratched or mutilated tickets into another; then we put ten republican tickets together, called the names from off one of the tickets down, and credited each of the names with ten, and so on to the end of the straight tickets, both democratic and republican; after that we took up the scratched tickets and read them out one by one, and gave the credits accordingly.

Q. How can you say, then, that the names on each and every ticket were read out?—A. I can say that very easy. We looked at all the tickets first, saw what names were on it, and considered by calling out one in ten, when we saw the others were just like it, and we considered that reading out the names.

Q. Can you read?—A. I can read well enough to read every name on the ticket.

Q. Did you read over every name on the five hundred and eighty-four votes that were polled at Stateburg precinct when you were selecting out the straight tickets?—A. We did.

Q. How many did you read?—A. I and Keen would select out the straight tickets and hand them to Dr. Spann, the democratic manager, who could read quicker than either of us.

Q. This answer not being a reply to the preceding question, I ask you again how many of the tickets did you read over?—A. I nearly read over all the straight tickets that I picked up.

Q. Did Keen pick up any?—A. He did.

Q. After you got through counting the votes what became of the box?—A. We counted all night, put the poll-list in the box, sealed it up, and delivered it to Sumter.

Q. Who brought it?—A. I and Mr. Keen.

Q. Was there any paper written out and signed by the managers as to who should bring it?—A. No; we wanted Dr. Spann to bring it, and he said he was so monstrous tired as to be unable to ride to Sumter, and requested us to deliver the box in Sumter, which we did.

Q. After the box was opened in Sumter what was done with it?—A. I don't know what was done with it after we corrected the mistake.

Q. Did you ever put another seal on it?—A. I think we did seal it right up and put in on top of other boxes that were there.

Q. Which one of you sealed?—A. The office was very crowded. I requested Dr. Spann to come forward with the clerk to do the sealing.

Q. Of what were you afraid before the troops came?—A. I was afraid, with many others because I heard Richmond Frierson say that Thomas Richardson said that on the day of election that there would be a great skirmish, and if so, all the niggers that he thought well of had better run down the bottom to protect themselves; certain as they attempt to resist some would be sure to be hurt, and he had better advise as many of his friends not to come out on that day. This was the reason I was afraid.

Q. Was there any other reasons? If so, state them.—A. The democrats in their speech proclaimed at the meeting that they must become organized, and we must carry this election if we have to spend the last dollar that we got.

Q. Any other reason?—A. No other reason.

Q. Did you see any guns in one of the rooms the election was held in?—A. There was not any guns there.

Q. Do you know, of your own knowledge, any colored person in State-

burg precinct who was threatened to be turned off, or out of employment because he should vote the republican ticket?—A. I do.

Q. Who were they?—A. Adam Butler, Jeff Keith, M. Frierson; there is others, but cannot remember their names; also John Thompson.

Q. How did you know this; to your own knowledge?—A. What I meant by my own knowledge, I heard those parties say so.

Q. Were any of them turned off?—A. I think Jeff Keith, jr., was turned off. As another reason for saying to my own knowledge is, that in the afternoon of election-day the employers of the above-mentioned parties came to find out how they voted.

Q. Who were these employers?—A. Samuel Bradley employed John Thompson and Jeff Keith, jr., and Adam Butler staid at Willie Reese's place.

Q. Did Jeff Keith and Adam Butler rent land, or were they employed by Reese?—A. They rented land from him.

Q. Do you know whether Jeff Keith was sent off, or did he leave at the expiration of his rent?—A. He left the end of December, Mr. Reese telling him he wanted his house, and he hunted a home.

Q. Do not all the rents of land or houses expire on the last day of December?—A. They do.

Redirect:

Q. Did not Dr. Spann, the democratic manager, pay particular attention to the counting of the democratic votes for the democrats and the republican votes for the republicans?—A. He did.

Q. Did he not take a great interest in having the democratic ticket elected?—A. I cannot say.

Q. How many of the bogus republican tickets got into the box at Stateburg?—A. Two.

Q. Were they counted for the democrats?—A. They were.

Q. You and Keen, when the box was delivered to you at Stateburg, did you bring it safely and properly, and deliver it just as you got it to the proper officers in Sumter?—A. We did.

Q. What was the condition of the colored people in your section in consequence of threats of non-employment, renting lands, &c.?—A. They were all in commotion in my section on that account.

MONDAY DOUGLAS.

Sworn to and subscribed to before me this 21st day of March, 1877.
[SEAL.]

FRANK F. TEICHER,
Notary Public.

HARRISON WITHERSPOON (colored) sworn.

Question. How long have you resided in Sumter County?—Answer. Eighteen or twenty years.

Q. At what poll were you, and in what capacity were you acting, the day of election?—A. As a deputy marshal at Sumter precinct.

Q. As a deputy marshal, what duties did you perform?—A. To keep order and peace around the polls and to keep the polls from being crowded.

Q. You are charged in the testimony given by contestant's witnesses with taking an active part on that day in the distribution of tickets, &c.; what have you to say as to this?—A. I did not distribute any tickets, either republican or democratic.

Q. On the day or two days previous to the election were you given any tickets for distribution; if so, by whom?—A. I did not receive any tickets, but strips with J. S. Richardson's name on the same, a candi-

date for Congress, for substitution in the place of Rainey's name on the republican ticket; received these strips from Mr. J. S. Richardson.

Q. Did you attempt to use them?—A. I did not use them.

Q. Did you attempt, as marshal, on the day of election, to in any way interfere with anybody in voting?—A. I did not, sir.

Q. Previous to the coming of the United States troops, how did the colored men feel as regards being allowed to vote peaceably as they pleased?—A. I traveled all over the county with the brass band, and found out from the colored people that they were in great fear that they would not have a fair showing to vote as they pleased, and that the white people threatened to cut them off from the polls.

Q. Did you hear this generally talked among the colored people or not?—A. I did.

(Objected to the question as leading, and the answer as based on hearsay and opinion.)

Q. Did you see any republican meeting disturbed by the democrats?—A. I did, at Concord. The republicans held a meeting there; 15 or 20 democrats came up, commenced asking questions, and interrupted in that way.

Q. Were they insulting in their questions?—A. They were, especially to the speaker.

Q. Mention some other places, if you can?—A. Right here at the court-house. The democrats interfered also at Mayesville; a colored democrat interrupted a republican meeting.

Q. Please state what was done at the Mayesville meeting?—A. A colored democrat got up on a railroad-tank, and while the speaker was speaking he pulled off his coat and hat and commenced cursing the speaker, abusing him, and he was asked by a large crowd to stop and come down; he said he be damned if he would, and the marshal, A. Singleton, went by the pump and asked him to come down; he picked up his coat and came down; then he commenced cursing the whole crowd and wanted to fight; and I, knowing him so well, carried him off. He was not interfered with after he came back, and came home with the republicans that night. This man was a colored democrat.

Q. Were you in town here on the day the democrats broke through the republican lines? Please describe what was done.—A. We were ahead, the band, to which I belonged, and I turned around to see what was going on, and I saw Blake Stedman ride through the line; also Mat Brook was in the procession, but did not ride through at that time.

Q. What threats did the democrats make to prevent colored men from voting the republican ticket?—A. I attended the democrat club-meetings often, and heard the speakers say that if the colored men would not vote with them they should not have any lands rented to them, or liens furnished, or favors done; and that they would take care of those who voted for them.

Q. Are the great majority of the county colored people depending upon their support from the white people?—A. Most all of them. I heard a colored democrat say at a democratic club-meeting—advised the clubs if they had any women of republicans employed, to discharge them.

Q. These threats of the democrats, what effect did they have upon the colored people?—A. They seemed to be very much worried about it.

Q. In your opinion, did not these threats cause a great many republicans either to stay at home or vote democratic contrary to their wishes?—A. It did, and some have told me so.

(The above is objected to as opinion.)

Q. Were there any democratic rifle-clubs in the county?—A. They were, and they drilled once or twice every week.

Q. About what time in the campaign did these clubs commence drilling?—A. They commenced drilling four or five weeks before the election.

Q. Was it or was it not generally understood by the colored people that the whites were forming rifle-clubs?—A. It was. They could be seen on the streets of Sumter, working, with their rifles.

Q. Did not the fact of getting up these clubs create a feeling of intimidation among the colored people?—A. It did.

(The preceding question objected to as leading and answer as opinion.)

Q. What effect did the presence of United States troops have upon colored voters?—A. They thought that the bringing of the troops would allow the colored men to vote unmolested and to have free access to the polls.

Q. Did the troops by word, deed, or in any way interfere with the election?—A. They did not. I did not see but two during the time they were here.

Q. Did not the democrats express themselves satisfied with the coming of the troops?—A. They did, and more so after they got here.

Q. Were you present at the depot when the troops left, and did you hear the speeches made to them by the democrats, expressing satisfaction at their conduct while here?—A. I was not there, but heard of it.

Cross-examination:

Q. When were those strips given to you you speak of?—A. Some time before the election.

Q. When did you receive your appointment as deputy United States marshal?—A. I think a few days before the election.

Q. When did you get your commission?—A. A day or so before the 7th day of November, 1876.

Q. When the strips were handed to you, had you received your commission?—A. I had not received my commission, but I think I was notified of my appointment.

Q. When the strips referred to were handed you by the contestant, why did you not tell him you were a deputy United States marshal?—A. Because I had not received my commission.

Q. Do you know, of your own knowledge, of any threats made by white democrats that they would prevent, forcibly or otherwise, colored people from voting as they pleased?—A. I do know of threats, from my personal knowledge.

Q. State first who made the threats.—A. Jackson Moses, to my own knowledge, told some of his colored hands that if they did not vote the way he wanted they should not stay with him, but I do not know to my own knowledge that he or any one else threatened to prevent them from voting as they pleased.

Q. Who, if anybody, told you that they were threatened with not being allowed to vote as they pleased?—A. Samuel McDuffie told me that he was threatened that if he voted the republican ticket he would be discharged.

Q. Any one else?—A. A good many others told me so, but I cannot think of their names.

Q. Do you know how Samuel McDuffie did vote?—A. He told me republican.

Q. Was the meeting at Concord you speak of a public meeting?—A. It was.

Q. Who was speaking at the meeting referred to and was insulted?—
A. T. B. Johnston.

Q. Do you say he was insulted?—A. The questions put to him I think did insult him.

Q. How large a crowd of republicans were out there?—A. About one hundred and fifty or one hundred and sixty.

Q. Was that the only interruption offered by the white democrats present on that day?—A. The only one to any of the speakers, but there was some little talk by them to the crowd.

Q. Have you ever attended a democratic meeting where democrats asked questions?—A. I attended democratic meetings, and never heard republicans ask questions.

Q. You were not present, then, at Mayesville when the contestant and Major Fraser addressed a democratic meeting, and had repeated questions asked them by Maj. T. B. Johnston and other republicans and when the meeting was attempted to be broken up by one Holman who cursed the democrats present for being liars?—A. I was not present, but Holman told me if the republicans hoisted a liberty pole they would cut it down.

Q. Did you not hear of the interruption at Mayesville?—A. I did not.

Q. Who was the colored democrat you referred to who interrupted a meeting at Mayesville?—A. Abram Dunmore.

Q. Was he not drunk?—A. I suppose he may have been drinking.

Q. Were there any other democrats there with Dunmore?—A. There were some from this town and others from Mayesville, who encouraged him in his cursing.

Q. Give the names of the ones there from this town.—A. I do not know who they were, but those from Sumter town had nothing to do with it, but one from Mayesville drew his pistol and said he was going to back Abram Dunmore.

Q. Give the name of that man.—A. I don't know his name.

Q. Were there any other white or colored democrats at Mayesville present with and acting with Abram Dunmore?—A. No; Abram and this other white man were the principal, and all that I seen had anything to do with it.

Q. How large a republican meeting was held at Mayesville that day?—
A. A large meeting; from three to four thousand.

Q. Did they raise a liberty-pole in front of Holman's store at Mayesville that day?—A. They did.

Q. Were they interrupted by the democrats?—A. Not that day.

Q. Did they ever cut it down or interfere?—A. Not that I know of or heard of.

Q. At a meeting here at the court-house, to which you refer, who interrupted the meeting?—A. Mr. T. H. Earle, with others.

Q. What did he do?—A. He first commenced asking questions of Mr. Lee, who was speaking; Mr. Lee told him that this was a republican meeting, and insulting words were passed, and Mr. Earle left.

Q. Did the other democrats say or do anything?—A. They came off grumbling.

Q. What democratic speakers said in the club-meeting you refer to, that they would not rent lands to those colored men who did not vote with them?—A. You advocated the same cause by saying in public speech, if you want any farms let them go to the commissary men, meaning J. M. Tindall.

Q. Name others.—A. Pinckney Davis; cannot recollect others.

Q. Who is Pinckney Davis?—A. A colored democrat, and a candidate on that ticket.

Q. Was it not mostly, if not entirely, the colored democratic speakers that advocated this doctrine?—A. It was, except on renting lands; this was mostly talk by the whites, not in their public speeches, but in common conversation.

Q. You say that the colored people seemed very much worried about the talk of not renting them lands; did the coming of the troops ease their minds on that point?—A. I should not think it did; that the troops could not make people rent land.

Q. Name as many colored voters as you can who either staid at home or voted contrary to their wish on account of the threats you speak of.—A. One by the name of Ben Nelson, I believe; know of others in the county; cannot call their names. Some have told me that employers carried them to the polls and gave them tickets and made them vote the same.

Q. Name the men that told you so.—A. I cannot name them, so many of them.

Q. Just name two or three.—A. I can't name them.

Q. You were asked if there were any democratic rifle-clubs in the county, and you answered there were; please state how many there were, and where located.—A. I don't know how many there were; I know of one here, one at Bishopville.

Q. How long has the rifle-club at this place that you refer to, been organized?—A. I don't know; they were organized before I found them out.

Q. Have you ever seen the rifle-club at Bishopville, or how did you know there was one?—A. I been up there; saw some of their guns and accouterments, and was told by Tyler Dixon, a colored democrat, that one was in existence there.

Q. Will you say on your oath that the rifle-club at Sumter ever drilled after Governor Chamberlain's proclamation disbanding the rifle-clubs, until the election was over?—A. I cannot say on my oath that they drilled after the proclamation was issued, but I can say this on my oath, that they were marching through the streets with their guns after night after the proclamation was issued.

Q. How is it that you have said, in your answer to the examination-in-chief, "that they drilled once or twice every week?"—A. I said that the rifle-club, before the election, did drill once or twice a week at the time I found it out.

Q. Governor Chamberlain's proclamation was issued on the 7th day of October, 1876, and the election was on the 7th day of November, 1876, just four or five weeks after the proclamation. Now, you have said, in your answer to the examination-in-chief, that this rifle-club at Sumter "commenced drilling four or five weeks before the election," and you have just answered me that "you cannot say that they drilled after the proclamation was issued." Please explain.—A. I would not be positive as to the exact time of the drilling.

Q. Name the members of the rifle-club who you saw working on the street with their rifles.—A. Saw Frank Haynsworth, with others, with a rifle, a gun, or a seven-shooter. Saw him one night and the next morning.

Q. Did the others with him have guns or rifles?—A. I cannot tell; they were walking close together, and saw only the one on the outside.

Q. Do you know that Frank Haynsworth belongs to the rifle-club?—A. I only know it from hearsay.

A. Who told you so?—A. Two or three told me so; some white men told me so; also, E. Flower told me so.

Q. Did you see anybody else with rifles on the street?—A. Saw Wellie Lewis and E. Flower going home with their guns. Never saw any one marching.

Redirect :

Q. You were asked by contestant about how many rifle-clubs were in the county; were there not, in addition, some saber-clubs in the county?—A. I never saw it, but heard of one in the town of Sumter.

H. J. WITHERSPOON.

Sworn to and subscribed to before me this 22d day of March, 1877.
[SEAL.]

FRANK F. TEICHER,
Notary Public.

HENRY WILSON (colored) sworn.

Question. You live in Sumter County, and how long have you been here?—Answer. I do, and been here since emancipation.

Q. Where were you on the day of election?—A. I was at Mayesville precinct, and voted at Johnston's Store.

Q. Which ticket ran ahead in Mayesville?—A. The democratic ticket.

Q. What time was that poll opened?—A. A little after half past seven.

Q. Did not a good many of the colored voters leave before the polls opened?—A. I carried a good many off with me to Johnston's Store.

Q. Why did you carry them off?—A. Mr. Mills, a democrat, told us that the poll was not legal, and we went to another poll to vote.

Q. All those that staid there got a chance to vote there?—A. They did.

Q. Did the democrats get up a rifle-club before the election?—A. They did.

Q. Do you know whether they were armed with rifles or not?—A. I understood then were; don't know whether they were, or not.

Q. Did the formation of rifle-clubs by the democrats create any uneasiness among the colored people?—A. It did; I was uneasy myself.

Q. Did not this fear prevent colored people from voting?

(Objected to as leading.)

A. It did.

(Objected to as opinion.)

Q. How did the democrats in your neighborhood—what steps did they take to make colored men vote the democratic ticket?—A. Each employer would not employ colored men for voting the republican ticket, nor furnish supplies for the summer.

Q. Were the colored people generally poor, and had to work rented land, or as laborers?—A. Generally poor.

Q. What effect did these threats have upon colored people?—A. It kept them from voting, and others who voted were discharged upon that crowd.

Q. Did not these threats from the democrats cause a great many colored men to vote the democratic ticket, in order to save their homes?

(Objected to as leading.)

A. It did.

(Objected to as opinion.)

Q. Were any troops in your neighborhood?—A. None, except Sumter.

Q. What was the feeling among the colored people, as far as you know, as to whether they should be allowed to vote as they pleased?—A. They did not feel they would be allowed to vote as they pleased.

Q. What effect did the coming of the troops have among the colored

people?—A. They felt they could vote as they pleased, unmolested from violence.

Q. What was done to colored democrats in your part of the county for being democrats or voting the democratic ticket?—A. Nothing done to them.

Q. Do you know of any case in which a colored man for being a democrat was interfered with?—A. Not of any.

Q. Abram Ruffian claimed to be interfered with. Did you hear of it?—A. I heard that some women interfered with him.

Cross-examination :

Q. How many persons did you carry off with you to Johnston's Store?—A. Five or six.

Q. If you and they had chosen to remain at Mayesville, would you not have time and an opportunity to vote there?—A. We would have time and an opportunity, but they said the poll was not legal.

Q. Do you know whether and when the rifle-club disbanded at Mayesville?—A. I do not.

Q. Did the rifle-club or any of its members threaten you or any one else with an intention or desire to prevent you from voting just as you pleased?—A. Not me.

Q. Have you not heard it declared and generally spoken of by all the people, and especially the public speakers, that every man should vote just as they pleased?—A. I heard you say at the platform at Mayesville that we had better come and vote with the democrats now, before we would be made to do it.

Q. In what way was it said that you would be made to come?—A. You did not say.

Q. Have you not heard General Hampton and the democratic speakers say that every man should vote just as they pleased?—A. I have not seen General Hampton since the emancipation.

Q. Have you ever heard democratic speakers declare publicly that every man should vote just as they pleased at this election?—A. I did not hear any of the speeches, except at Mayesville or Lynchburg, and did not visit the democratic meetings, except as above.

Q. Who told you that each employer in the Mayesville precinct would not employ colored men who voted the republican ticket?—A. About a week before the election I heard it read at a democratic meeting at Mayesville.

Q. Did the democratic club at Mayesville reject or adopt the resolution you refer to?—A. I don't know; the matter was being discussed when I left the meeting.

Q. Name the colored men who desired to vote the republican ticket and were prevented from doing so by threats from the democrats.—A. Four colored men came up near the polls at Johnston's Store; three stopped; one came up and said he voted as he pleased, and that one told me that the others went back, being afeared that the mortgages would be foreclosed, as they saw white men there at the polls from their own neighborhood.

Q. Any others?—A. Good many more; cannot name them; a good many told me that they voted the democratic ticket; that the republicans could not employ them, and they had to live.

HENRY H. WILSON.

Sworn to and subscribed to before me this 22d day of March, 1877.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

J. C. WILSON (colored) sworn.

Question. In what portion of Sumter County do you live, and where were you on the day of election?—Answer. In Mayesville, Sumter County.

Q. What capacity did you act under that day?—A. As a United States supervisor.

Q. Was there or not a democratic rifle-club in that precinct?—A. I heard of one, and it appeared to me on one occasion when a difficulty occurred in the town of Mayesville, and the white citizens were called upon to arrest Handy Holman, a republican, I saw two or three of the rifles on that day. There were about thirty-five to thirty-six men turned out; did not have all rifles; some had shot-guns.

Q. Do you or do you not know of instances where rifles were offered to men to join the club?—A. I do. A man in Mayesville, Samuel Clark, who said that he was offered a rifle to join the club; he is a white man.

(Objected to as hearsay.)

Q. Did not the democrats during the campaign turn out on horse-back processions?—A. They did.

Q. Was it not generally understood by the colored people that the rifle-clubs were got up during the campaign all over the county?—A. It was so understood, and all over the State. (Objected to as leading, and the answer as opinion.) The colored people generally were afraid to express their political sentiments. Many of them asked me what to do, and showed that they were afraid from injury by the rifle-clubs.

Q. What was the impression among the colored people as to the purpose for which those rifle-clubs were organized during the campaign?—A. They believed that the rifle-clubs were gotten up to force the colored people to vote against their wishes; that they heard so by public speakers; that they were told early in the campaign by democratic speakers that they better join the democratic party then; that if they did not do it voluntarily they would be driven to do it, and would be sorry for it when they were driven.

Q. What effect did these clubs and speeches have upon colored voters?—A. It made a great many vote the democratic ticket, and a great many did not vote at all.

Q. What was the effect upon the colored voters of those few soldiers coming to this county just before the election?—A. It made them feel that they could vote as they pleased, free from violence, and that they could vote according to their wishes.

Q. During the campaign, what policy was adopted by the land-owners and employers toward the colored voters that would vote the republican ticket?—A. They told colored people they would not rent them any lands nor give them during the hard times—the summer months—any supplies or liens, and that they would have to look to their radical friends for places to stay.

Q. Are not the colored people almost entirely depending upon the white people for their lands to work and employ?—A. They generally are.

Q. Did not these fears cause many colored men to vote the democratic ticket?—A. It did.

(Objected to as opinion.)

Q. How many colored voters at your precinct voted the democratic ticket?—A. About thirty-nine.

Q. How many colored men voted the republican ticket?—A. About twenty-two.

Q. Did you not hear of threats, that if the republicans at your precinct got the majority the rifle-clubs would destroy the box?

(Objected to as leading.)

A. I was told so by men of Mr. Isaac Bradley's place, that he said the democrats would destroy the box if the republicans got the majority of the votes there.

(Objected to as hearsay.)

Q. Were you not a trial-justice in your precinct?—A. From March till October, 1875, when I resigned the office.

Q. Do you not know the people of your precinct well?—A. I do.

Q. What about threats or attempted violence to colored democrats?—

A. I never heard of any made by republicans against colored democrats or any one else.

Cross examination:

Q. Did the colored people in your section generally attend the democratic meetings?—A. They did not generally turn out.

Q. Did the republicans in your precinct allow joint discussion?—A. The republicans at first did not allow joint discussions, but the democrats were the first to refuse.

Q. When was it and where was it that the democrats refused to allow republicans to speak at their public meeting?—A. They did refuse at the Masonic lodge; don't remember the day or date; and did not allow even questions asked. I proposed to ask questions, and was allowed to ask but one, and this was the only one I was permitted to ask.

Q. Did you ask for permission to ask other questions?—A. I did not. I had my reasons for not asking. They treated me in such a way when I asked the first question that I knew from their treatment they did not desire me to ask any more, and did say, in substance, they did not wish to be disturbed by such questions.

Q. What was your question?—A. In reply to Mr. Pinckney Davis's argument and abuse of Governor Chamberlain, I asked him why did the democrats change so quick; they were praising him all the time up to that time, and suddenly changed to abuse him. That was the question I was permitted to ask.

Q. Did you hear the offer made to Samuel Clark to give him a rifle?—A. I did not hear the offer made; simply heard so from Clark.

Q. Do you know how many meetings the rifle-club at Mayesville, you speak of, ever held?—A. I don't know; but kept hearing of the rifle-club.

Q. Did you hear of a rifle-club after Chamberlain's proclamation?—A. I did.

Q. What did you hear?—A. Capt. T. E. Keels said they would not disband, and that Chamberlain could not make them disband.

Q. Did you hear anything further from the rifle-club after Chamberlain's proclamation?—A. I do not remember, but heard the same things I heard before, but do not know where they met.

Q. Do you know whether they ever met afterward?—A. Not to my knowledge, but I kept hearing of it.

Q. What was it you kept hearing of it, either before or after the proclamation?—A. I heard of their meeting and what they intended to do.

Q. What did you hear they intended to do?—A. I heard from some colored democrats that the rifle-clubs would protect them in anything they desired to do; they would insult the republicans, abuse them openly and at different places where they met.

Q. Is this all you heard the rifle-club intended to do?—A. I heard

them say the rifle-club was organized for the purpose of making the colored voters vote as they wanted to do.

Q. Who was it that told you this?—A. It was general talk.

Q. General talk by whom?—A. Generally white people's talk, also the talk of colored democrats.

Q. Name some of them you heard use this talk?—A. Do not remember names, it was such common talk.

Q. Who told you that the rifle-club you speak of at Mayesville ever held a meeting after Chamberlain's proclamation?—A. No one ever told me that they held a meeting after the proclamation, but I heard the same talk after as before.

Q. What public speeches do you refer to in which it was said that the rifle-clubs were gotten up to force the colored people to vote against their wishes?—A. I refer you to a speech made in Mayesville, in which it was said that the colored people had better come and join the democratic party and do so voluntary; if they did not come, then they would be driven to it. This speech was made by J. S. Richardson.

Q. How did J. S. Richardson say the colored people would be driven to join the democratic party?—A. I don't remember how you said, but I recollect you said when they are driven they would be sorry for it.

Q. In the speech you refer to were rifle-clubs named or referred to?—A. I have said already that the course of the argument conveyed the idea that the colored people were to be driven by force or intimidation, that there was no rifle-club known at that time at that place, and when the rifle-club was organized it was believed to be organized for that purpose.

Q. In the speech you refer to, was the whole course and effort of the speaker to persuade the colored man to join the democratic party, and to show him that his best interest was to do so; that he would be better protected, better cared for, and perfectly safe in doing so, or was it a threat against him?—A. I would say both, first to persuade them and then hold out the threat.

Q. Was the speech you refer to delivered before the nominations for Congress were made?—A. It was.

Q. Is it not a fact that a good many of the colored people from the Mayesville precinct on the day of the last election went to Johnston's Store and voted there?—A. They did.

Q. Why was it they went there?—A. They were told that the polls at Mayesville were illegal; that their votes would not be counted.

Q. What man of Mr. Isaac Bradley's place told you that the democrats would destroy the box at Mayesville if the republicans got the majority of the votes there?—A. Robert Lowrey; the only one I remember, out of a crowd of three, that told me.

Q. Did you hear of the interference with Abram Ruffan on one occasion in Mayesville?—A. Not to my recollections; know of some women laughing at him for being a democrat.

Redirect:

Q. Do you know Roy Robertson, a democratic speaker?—A. I do.

Q. How is he considered, mentally speaking?—A. I never took him for a sane man; knew he was weak-minded, and an object of sport. He was never a creditable man, nor do I know him to be a reliable man, and not considered to be of sound mind. He would go to stores, merchants would make him open his mouth—had a very large one—and throw crackers, oranges, &c., in it.

Q. Don't you know of his having to leave a certain community in this

county because he stole a saddle?—A. I know Mr. Cooper lost his saddle; charged Leroy Robertson with it, and he ran away from the neighborhood on that account.

Q. Has he not always been the subject of practical jokes by all classes?—A. He always has been an object to sport.

Q. Did or did not the democrats have a supervisor of election at Mayesville?—A. They did.

Q. During the election-day did you, with him, attend all day?—A. I staid there all day.

Q. Did you take any part in the election?—A. I did not.

Q. Who was the United States deputy marshal at the poll?—A. Thomas D. Taylor.

Q. Did he take any part in the election?—A. None whatever.

Cross-examination continued:

Q. Was Thomas D. Taylor, the United States deputy marshal, a republican or democrat?—A. A republican, I believe. I have seen him at republican meetings.

J. C. WILSON.

Sworn to and subscribed to before me this 22d day of March, 1877.

[SEAL.]

FRANK F. TEICHER,

Notary Public.

DAVID CAROLINA (colored) sworn.

Question. Where were you living at the time of election?—Answer. At Mr. Mills's, in Sumter County.

Q. What threats were made by the democrats in that neighborhood to compel republicans to vote democratic or stay at home?—A. They told me if I did not vote as they said, I should be out of house and home.

Q. Was that the general talk in that neighborhood?—A. It was.

Q. Did they cause many colored people to vote democratic or stay at home, in this way?—A. Three colored men were on the place I was living on; two of them staid at home, and only one voted.

Q. Did they stay at home on account of threats of that sort; did they tell you so?

(Objected to as leading.)

A. I reckon, so; they did not tell me so.

Q. You say you were the third man, and voted; did you lose your place on that account?—A. I was turned off on account of voting.

Q. Were you told that you would be turned off, before the election came on, if you voted republican?—A. I was told so twice.

Cross-examination:

Q. From whom did you rent land?—A. From Mr. W. E. Mills.

his
DAVID + CAROLINA.
mark.

Sworn to and subscribed before me this 22d day of March, 1877.

[SEAL.]

FRANK TEICHER.

Notary Public.

ARMSTEAD ROBINSON (colored) sworn.

Question. At what poll and in what capacity were you acting on the day of election?—Answer. As deputy United States marshal, at Bishopville.

Q. Describe the conduct of the democrats at Bishopville during the day of election; were any threats or intimidation used against repub-

licans?—A. When I first came there the election was to be under an oak tree; owing to the rain, we had to move into an old house having two doors; in the morning part of the day the whites did not crowd the ballot-box, but about 2 o'clock, when most of the republicans came to vote, they crowded around the ballot-box. I told them not to crowd around the ballot-box; they moved off from the ballot-box, and allowed the colored people to vote while I was standing right by. I went out doors, and they crowded around there again; I asked them to move; they hesitated this time, and finally the supervisor, a democrat, Mr. Keans, spoke to them and they moved; then I heard some loud talking on the other end of the house; I went there, heard a democrat, name not known to me, tell Mr. Lee, a republican, to shut his mouth; Lee told him that he was free and could speak as he chose, and the white man told Lee then if he did not shut up he would make him shut up; that time I stepped between them and told them to stop and disperse; during that time a white man came in and told me a colored man had shot down the road about three-quarters of a mile off, and requested his arrest; I told him it was out of my power to arrest one that far off from the polls; then talked to Sam'l Lee, and this white fellow made an oath that I was consulting Sam'l Lee about the arrest of this colored man; I told him I was not, and he said that if I did not arrest him he could get men enough to arrest him; I went back to the polls then, and nothing more occurred that afternoon. In the evening, after the polls closed, and while counting the ballots, a colored man came and whispered to me and S. Lee and Chas. Croghan, that we had better leave as quick as possible; that he had heard some threats that these white men had made towards us; that time I heard these white men ask for us; Chas. Croghan and S. Lee, while they were counting the ballots, whispered to me and told me to get ready to leave, and a whole crowd of colored men told us they would go with us to the place where our horses were in case we were attacked; while going for our horses a man ran out and told us to hurry up, because they asked for us again; after that we got our horses, left, and heard no more.

(Objected to on the ground that it is entirely irrelevant and charges nothing objectionable as occurring before the polls closed.)

Q. Charles Croghan and Samuel Lee, are they both republicans?—A. Both republicans, and Croghan the United States supervisor.

Q. Owing to the demonstration you saw there and what you heard, did you have to leave before the counting of the votes was completed?—A. We did.

Q. Did you fear your lives were in danger?—A. We felt that we were in danger of getting whipped.

Q. You were afraid of the democrats?—A. We were.

Q. Did you try to discharge your duty quietly?—A. I did, to both parties.

Q. Did they appear to try to pick a quarrel with republicans?—A. One or two did with Samuel Lee.

Q. The republican voters, from what you saw, did they appear intimidated?—A. One or two told me that if they voted the republican ticket they would be discharged; cannot say whether they voted or not.

Q. Please describe to us how the campaign was carried on by the rifle-clubs.—A. I heard a good many brag about the rifle and saber clubs. Up at the court-house they organized a Hayes and Wheeler club; we were interrupted there two nights by the democrats, once by a colored democrat, the second night by a white democrat. The night the white democrat came he gave one of our speakers the lie on the floor.

Q. About how many United States soldiers were brought to Sumter?—A. I heard sixteen.

Q. Did they take any part in the election?—A. I could not say; was not here on the day of election. I heard the democrats say that they wouldn't give certificates to colored voters who voted the democratic ticket, and to get employment in preference to others that did not vote that ticket.

Q. Did not these things cause a great many colored people to vote the democratic ticket that otherwise would have voted republican?—A. I think it did.

(Question objected to as leading; answer as opinion.)

Q. What effect did the bringing of the troops here have upon the colored people voting?—A. I don't think it had any.

Q. What effect did the troops have here?—A. To keep the peace between the two parties.

Cross-examination:

Q. Was the public peace in the county at any time disturbed during the campaign, or threatened?—A. Not that I know of.

Q. What was the relation in this place between the white and colored people during the campaign? Was there not a great effort made on the part of the democrats to bring the races to a better understanding between themselves and to conciliate them?—A. Efforts made in this way, that there would be better living if they voted with them.

Q. Did the democrats not repeatedly and publicly proclaim that they were one people, and are to stand off altogether?—A. I did not.

Q. Did you hear General Hampton's speech the day of the meeting?—A. I did not.

Q. Are you republican or democrat?—A. Republican.

Q. You say you were a deputy United States marshal at Bishopville; was there any democratic United States deputy marshals there?—A. There was not.

Q. Did you hear any threats made toward you or Mr. Croghan, yourself, at Bishopville that day?—A. I did not, only through others.

Q. Did you take the pains to find out if what you heard was true or false?—A. I did not.

Q. Was any unkind language or act directed toward you, to your knowledge, at Bishopville that day?—A. Not toward me that I heard of.

Q. And did you, upon a mere report brought to you, under these circumstances leave the polls with the republican United States supervisor before the result of the ballot was ascertained?—A. We left there on account of threats heard, and while the ballots were counted.

Q. Who did you hear brag about the rifle and saber club?—A. I disremember who it was.

Q. Did you hear more than one person brag about it?—A. I think I did.

Q. Can you not tell the names of some of them?—A. I cannot. I was passing when I heard it spoken between some white fellows.

Q. Do you know whether there was actually a saber-club in this town or county?—A. I do not, of my own knowledge.

Q. Do you know of more than one rifle-club that was here in this town?—A. I know of one only in this town.

Redirect:

Q. From what you saw and what you heard when the votes were being counted at Bishopville, were you not convinced that the only safe

course for you and the supervisor to pursue was to leave?—A. From what I heard, but saw nothing.

Q. Did not the supervisor warn you to leave?—A. Lee and the supervisor came to me and told me to leave; went to where they were counting the votes, but gave no reasons why we should leave.

Q. At the time you left did you not consider yourselves in danger of personal violence?—A. When we were leaving it was my belief.

(Objected to because it is mere opinion founded on hearsay.)

Q. On Hampton's day, in the town of Sumter, did not the democratic organizations bring canuons here from Columbia, and fire them off in and about the town?—A. They fired them off at the depot, in the daytime, and in the center of the town that night; this being on the 6th or 7th of October.

A. ROBISON.

Sworn to and subscribed to before me this 23d day of March, 1877.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

Rev. E. DIMERY (colored) sworn :

Question. Are you a minister of the Gospel?—Answer. I am.

Q. At what poll and in what capacity were you acting on the day of election?—A. I was a manager at Swimming Pans.

Q. Who acted as clerk of the board of managers that day?—A. A Mr. Richardson, whose first name I don't remember.

Q. Was he sworn as clerk?—A. He was.

Q. Were the managers all sworn?—A. They were all sworn.

Q. Who were the supervisors at that precinct?—A. Mr. W. Westberry on the part of the republicans, and James Rembert for the democrats.

Q. Did you hear any talk of a rifle-club or saber-club in your neighborhood at Swimming Pans?—A. I did not hear of any rifle-clubs; heard of a club being in existence.

Q. What was the policy of the land-owners? Did they take any steps to prevent the colored people from voting the republican ticket or to cause them to stay at home on the day of election or to get them to join the democratic clubs?—A. Some of my own members, who purchased lands from Mr. Holman, came to me and told me that they had paid a good deal on the land; they was after them to vote the democratic ticket, and if they did not vote the democratic ticket they would lose their lands, and to save their lands they voted the democratic ticket.

(Objected as hearsay.)

Q. They were republicans, and really wanted to vote the republican ticket?—A. They were; and to save their lands they voted the democratic ticket.

Q. Were not the colored people of your section greatly alarmed at threats of losing their lands, homes, &c.?—A. They were.

(Objected to the question as leading, and answer as opinion.)

Q. In your opinion were not a great many colored voters either compelled to vote the democratic ticket or stay at home by threats of that sort?—A. They were; some because they were afraid of not getting any liens, others for fear of losing their lands or homes.

(Objected to as mere opinion.)

Q. What effect did the presence of the United States soldiers have upon changing colored voters?—A. Had no effect in my section whatever; there was a great deal of talk that there might be a fight, and the coming of the troops quieted this down. I was apprehensive of

trouble myself, and heard the democrats say that if they lost the election they would fight; if Chamberlain was elected on the 7th Hampton would be elected on the 8th.

(Objected to so far as is founded on opinion and belief.)

Q. You actually heard those threats of violence yourself?—A. I did; it was the common talk till the troops came to Sumter; then it quieted down.

Q. It has been charged in this case that the colored people preached from the pulpits against the democrats and colored republicans; you being a minister of the Gospel, please explain.—A. It was not done in my church nor in the churches under my charge; I especially charged the local preachers under me not to have anything to do with politics.

Q. You know of any instances where colored men were interfered with by colored men for being democrats?—A. I do not.

Q. Do you know D. J. McDaniel?—A. I do; he is a local preacher.

Q. Mr. Holman, in his testimony for contestant, stated that he came to him at night and told him that he was afraid to approach him by day and that he would not be allowed to preach in church.—A. About burning out I only heard this rumored last month; we called in his appointment to preach on account of his swearing; this was done owing to the rules and regulations of the Methodist Church; it had nothing to do on account of his politics, but simply on account of his swearing.

Q. Do you know E. H. Holman; is he not a large merchant, advancing liens to the colored people?—A. I know him; he does do a large lien business with the colored people.

Q. What have you heard in relation to his threats, either from him or other people?—A. I heard from the people that he would not advance the colored people voted against him any liens.

(Objected to as hearsay.)

Cross-examination:

Q. You say you are a minister and never had anything to do with politics; how came you to act as manager of the election?—A. I was so appointed.

Q. To be appointed does not necessitate the acting of a manager; how came you to act as such?—A. I received the notice from Sumter; was asked if I acted, and told them I would.

Q. It has been proven that the box from Swimming Pans precinct was opened here in Sumter by the county board of managers; were you present or asked to be present?—A. I was not present nor asked to be present.

Q. Theo. W. Westberry, who was the republican supervisor at Swimming Pans, was he not a candidate on the republican ticket?—A. He was.

Q. Did Mr. T. J. Tuomey act in any official capacity at Swimming Pans or anywhere else?—A. Not at Swimming Pans; I heard he was at Carter's Crossing, but don't know whether he was acting in any official capacity.

Q. Who was the deputy United States marshal at Swimming Pans?—A. I don't know.

Q. You say in your answer to the examinations-in-chief that you did not hear of any rifle-club at Swimming Pans, "but heard of a club being in existence;" what kind of a club was in existence?—A. A democratic club.

Q. Have you ever heard, yourself, any land-owner say that he would take his land back from a republican for voting the republican ticket?—A. Never heard it myself, but heard it from others.

Q. Do you know any republicans who lost their lands for such reasons?—A. I do not know it, nor have I heard of but one case, Aaron Jenkins, who had bought lands of Mr. E. W. Moise.

Q. From whom did you hear the talk that there might be a fight?—A. From Mr. Fayette Smith, at Spring Hill, a white merchant.

Q. Did you hear it from anybody else?—A. Did not hear it from any one else; he was the one, and the only one, who said the democrats would fight, and if Chamberlain was elected on the 7th, Hampton would be on the 8th.

Q. Do you know Daniel Gass? Have you ever heard or do you know anything about the treatment he received at the hands of colored people for voting, or wishing to vote, the democratic ticket?—A. I never heard about it. He talks in favor of the republicans, and I consider him one from his talk I had with him three weeks ago.

Redirect:

Q. Did the democratic or republican supervisor at your poll interfere in any manner in the election or with the voters?—A. They did not.

E. DIMERY.

Sworn to and subscribed to before me this 23d day of March, 1877.

[SEAL.]

FRANK F. TEICHER,

Notary Public.

J. H. LEGARE (colored) sworn.

Question. Where were you on the day of election, and in what capacity?—Answer At Lynchburg, as deputy United States marshal.

Q. Were any troops near there; if so, about how many, and how near to the polls?—A. About ten soldiers, stationed a half of a mile from the voting-place.

Q. Are you certain that they were that far from the depot?—A. I am quite certain.

Q. Could they be seen from the polls?—A. They were not in sight of the polls.

Q. It has been stated that you were a candidate on the republican ticket; please state for what office.—A. For coroner.

Q. Please state how you endeavored to act as marshal that day.—A. Impartial.

Q. What were your duties as such?—A. My instructions were to see every man vote as he pleased, and I tried to act in this way.

Q. I see that a man by the name of J. H. Rhame states that you had occasion to approach a man with name of Wilson; please state what you did in relation to Wilson, and what you did.—A. They were voting in a house, at the window. I was standing about ten steps from the house, out of the rain. I was called upon by the supervisor, don't know which one of them, and was told that this Wilson had tried to vote three tickets at one time, and was detected by them; another time folded two tickets together for another man to vote, and was detected again. I told him I would arrest him if he did the like again. He sent to me a democratic candidate by the name of J. M. Wilder and asked me if he was under arrest. Mr. Wilder also stated to me that this man Wilson was some way related to him, and asked me not to get him into any trouble. I told him I would not. I released him then, but was not within ten steps of him, nor had it touched him.

Q. Did you say to Rhame or any one else that the troops were under

your charge?—A. I did not. I thought there were more under the charge of the democrats than mine; saw fifteen or twenty in the camp with the soldiers.

Q. Did you exert any intimidation or influence upon any white or colored voters?—A. I did not.

(Objected to as opinion.)

Q. Your occasion of speaking to Wilson was on the complaint of the supervisors?—A. It was; they called me and made complaint, and pointed Wilson out.

Q. Rhame complains in his testimony that you said you had been watching him all day in distributing red democratic tickets; please explain the red democratic ticket matter.—A. Rhame demanded to see how a colored man living on his place voted by requiring him to show his ticket in my presence, and insisted on him; the colored man refused, and I told Rhame to let the colored man vote as he pleases. He told the man he had Chamberlain tickets and Hampton tickets; told him democratic tickets were white and Chamberlain tickets were red; held one of the red tickets out to me, and asked me was it not a Union republican party ticket; I told him the head of it was, but the candidates were democratic upon it. He told the colored man that it was a republican ticket, and he would like to have the honor of giving him any ticket he desired, and that the red (bogus) ticket was a republican ticket. The colored man would not take it, and said he was not ready to vote now; told him to take the ticket anyhow and keep it till he voted. The same colored man got a genuine ticket, and asked me what ticket was the right ticket. I told him either one, as I could not tell him which was the right ticket; another colored man some distance from me seen the former having the two tickets; saw him throw down one, and he voted the other; seen Rhame walk up behind him, and told another white man that this colored man voted against us, and I would fix him. That time the supervisors told me to clear the people from the window, so that those that had not voted could vote.

Q. Was he trying to impose upon that colored man with this red ticket by saying it was a republican ticket?—A. He was saying it was a Chamberlain ticket.

Q. Was there not a white man with the name of R. I. Anderson there that day?—A. He was.

Q. What was the conduct of Rhame and Anderson and others that day?—A. They meet men as they would come up the road the democratic ticket, and if they did not take the white ticket offer them the bogus red ticket, saying it was the republican ticket.

Q. What did those men mentioned say as to being a committee from the club and their object in being there?—A. I never heard Anderson or Rhame say anything, but I heard another white man say that there was a committee to watch the colored people vote and if they did not vote democratic they could not expect any favors.

Q. Did the conduct of the democrats in this campaign intimidate colored voters?—A. It did in a good many cases.

(Objected to the question as leading and the answer as opinion.)

Q. Please state how.—A. They passed resolutions in clubs and published in the papers that they would give the work to colored democrats in preference of republicans and those that worked against them; also I have seen resolutions that were passed condemning those who would go on republican bonds if they were elected. I heard of rifle clubs and I seen in public demonstrations democrats with pistols buckled around them.

Q. On Hampton's day did not the democrats bring cannons here?—A. I saw cannons in Sumter in the hands of a democratic artillery company.

Q. You went around the county during the campaign?—A. I did.

Q. Were not the colored people greatly apprehensive of trouble?—A. They were, all over the county; told me so.

Q. Did not these demonstrations from the democrats and their threats cause a great many colored republicans to vote the democratic ticket?—A. It did. I heard them say they had to do it on account of work.

(Objected to as opinion and hearsay.)

Q. In your travels during the campaign in the county do you know of any violence or intimidations toward colored people during the campaign and since?—A. I know of none.

Q. Was not one of the band that was going around with you to all public meetings in the county a prominent democrat?—A. He was, and made democratic speeches.

Q. Was he not in the employ of the republicans?—A. He was; also one Abram Ruffan played with us at Wedgefield and Statsburg who was a prominent democratic speaker. When our drum-head on the bass drum got broke, he as chairman of the band loaned us his drum.

Q. What about republicans interrupting democratic meetings in this county?—A. Did not hear of any instances.

Q. What about democratic interruptions at republican meetings?—A. I know of two instances; once by a white democrat, president of a democratic club, with others, and once by a colored democrat.

Cross-examination :

Q. Have you been returned elected upon the republican ticket?—A. I have.

Q. You have stated that you endeavored to act impartial as marshal at Lynchburg on the day of election; did you so act in fact?—A. I did.

Q. How many inhabitants are there in Lynchburg?—A. I am unable to say.

Q. Judging from the size of the town and the fact that you can stand in the center of the town and plainly see to the outskirts of it in every direction, and almost every house in it, what would you estimate the inhabitants at?—A. It is impossible for me to say how many.

Q. How many inhabitants in Sumter County?—A. I don't know.

Q. Can there possibly be as many as fifteen thousand inhabitants in the town of Lynchburg?—A. I don't think that many live there.

Q. Did you not know on the day of election, or were you not morally certain at that time, that there were not twenty thousand inhabitants in the town of Lynchburg?—A. I know that there was not that number there. You wanted me to make an estimate and I cannot do it, as I do not know.

Q. By what authority, then, did you undertake to or claim to arrest Mr. Wilson on that occasion?—A. By the authority of the supervisor of the election.

Q. Were you instructed or authorized to make arrests by direction or by the authority of the supervisor?—A. I had emphatic instructions, along with my commission, to arrest any person or persons who were interfering or intimidating any citizen from voting, and to protect the ballot-box at the precinct at Lynchburg.

Q. Was Mr. Wilson preventing anybody from voting?—A. He was not.

Q. Was Mr. Wilson threatening to injure or capture or destroy the ballot-box?—A. No; but he had attempted to vote three tickets at one

time and was stopped, and at another occasion gave a man two to vote and was also stopped. I term that packing or stuffing the ballot-box; that is my reason for stopping him by the directions of the supervisors.

Q. Who were the supervisors there?—A. I cannot recollect their names now.

Q. How do you know that the persons who told you to make the arrests were supervisors?—A. For the reason that the box was in the house; no one was allowed to go into the house but the managers and supervisors and their clerk.

Q. Do you swear now, as you have already sworn, that both supervisors directed you to make the arrest?—A. I believe that one told me and the other had no objection to it, or both.

Q. What do you mean by adding "or both"?—A. That one or both told me.

Q. Did you remain at or near the polls—I mean the box—during the whole day?—A. I was not out of sight of the box five minutes that day.

Q. When you did leave the box, how far from the box and where did you go?—A. About four or five o'clock the people dispersed generally; no one was voting; I was invited by R. J. Anderson over to his house, a distance of, I suppose, forty or fifty yards from the voting-place, but in sight, to take dinner with him, and returned to the box immediately after; Wilson was related to the family of Anderson.

Q. Did you leave the polls at any other time?—A. Did not leave the polls for more than twenty or thirty yards at any other time.

Q. Where was it that Anderson and Rhame were offering the red democratic ticket to colored voters as republican tickets; was it in the crowd or up the road?—A. Right around the polls, within ten or fifteen steps of the same.

Q. Did you see either Rhame or Anderson endeavor to put off upon a colored man such a ticket under such pretenses, or did you hear of it?—A. I saw Rhame, not Anderson.

Q. How can you say, then, that Anderson as well as Rhame met men as they came up the road and offered them the bogus red ticket, saying it was the republican ticket?—A. I heard Rhame telling colored people that if they wanted to vote the Chamberlain ticket he had it, and it was a red ticket, and he gave it to him.

(Objected to as being an evasion of the question and not in reply.)

A. (Continued.) I also heard Anderson tell colored men that Rhame had republican tickets, but did not see Anderson with red tickets.

(Objected by contestee's counsel as follows: I object to contestant alleging that the witness is evading the answer simply because he asked to have the question read over to him.)

Q. Did you, yourself, see any one except Rhame offer the red democratic tickets as republican tickets?—A. I do not recollect any others except Rhame.

Q. As deputy United States marshal, have you reported Mr. Rhame and Mr. Anderson, or either of them, for the conduct you complain of?—

A. I have not.

Q. Have you reported Mr. Wilson for the conduct you complain of?—

A. I have not.

Q. You have stated that Mr. Wilson tried to vote three tickets at one time; do you know this of your own knowledge?—A. Mr. Wilson told me that he did not know that they were three tickets.

Q. Was Mr. Wilson charged by anybody with himself endeavoring to deposit three tickets as his own ballot in said box?—A. Mr. Wilson was the only one charged with voting three tickets, but he was charged with folding two tickets for an old man nearly blind.

Q. Do you mean to say by your last answer that Mr. Wilson was endeavoring to put three tickets at one time into the ballot-box as his own vote?—A. He was so charged by supervisor of election, and the three tickets taken from Mr. Wilson and opened and handed back to him, and he informed that he could vote but one.

Q. Did you see this?—A. I saw the three tickets in his hand when I was called up by the supervisor of election.

Q. Where was Mr. Wilson when he gave the two tickets to the old man you refer to, and who was the old man?—A. Wilson was in front of the ballot-box, from three to five paces from the ballot-box; don't know the old man; he was an old white man.

Q. Do you know, or did Mr. Wilson ever say to you, whether the tickets he gave the old man, referred to, were folded or not when he handed them to the old man?—A. He was charged with it.

Q. This is not an answer to my question. I ask you if you know it, or Mr. Wilson ever acknowledged, that the tickets were folded when he gave them to the old man?—A. I don't know; he was charged with it.

Q. Did you not say to Mr. Rhame or Mr. Anderson, or in their presence, or to any one else on the ground, that the troops at Lynchburg were under your orders, or that they would arrest any one that you directed them to arrest, or words to that effect?—A. No; and I did not know that any troops were stationed at Lynchburg until I saw them on the morning of the day of election.

Q. Did you see published resolutions promising to give work to colored democrats in preference to republicans as coming from all the democratic clubs; if not, from how many did you see them?—A. I seen the resolutions passed in the Sumter Township Club, and asking the co-operation of all the clubs in Sumter County.

Q. You say, in your answer as to the direct question, that you saw cannons in Sumter in the hands of a democratic artillery company; do you mean to say that there was a democratic artillery company located in this town or county which got cannons from somewhere else and brought here on Hampton's day?—A. The artillery was not located in Sumter County, but came from Columbia, on a democratic demonstration, and fired repeatedly.

Q. Were you here on the day Governor Chamberlain made his speech; also on the day that the republicans had their grand demonstration?—A. I was; also on the day of the large republican meeting. The democrats turned out and rode through the republican ranks while the procession was in motion, cutting off the republicans, knocking a man off his horse.

Q. Who was the man that was knocked off his horse?—A. Samuel McDuffie.

Q. Is there one or more Samuel McDuffies in this county?—A. I don't know but the one in town.

Q. Have you ever heard him say that he testified before this commission?—A. I did.

Q. On the two public republican demonstrations referred to did or did not the brotherhood societies turn out and march as societies with their banners at the head of their different societies?—A. They did.

Q. You refer to two instances where democrats interrupted republican meetings; what meetings were they; was it not a republican-club meeting, which was open for all?—A. It was a republican-club meeting in the court-house, and open for discussion for its members and all those who may be invited by the committee on speakers.

Q. Who was the white and who was the colored democrat who inter-

rupted the meeting?—A. The white democrat, Joseph H. Earle, president of the Sumter Township Democratic Club; Edwin Shiver was the colored one.

Q. Had any objections been made to either of these persons going into the court-house on the occasion referred to?—A. No objections to any one that came sit down and hear our discussion. The club extended that courtesy that the democrats extended to us, to go to their club, and sit down, listening to their discussions, but not to take part in the meetings unless invited to do so.

On the occasion when Mr. Earle interrupted, was or was not allusion made to him personally by the speaker who was then addressing your club?—A. No; unless Mr. Earle was a democratic party. No personal remarks were made. The interruption made by the colored democrat was such that I could not preserve any more order, and had to adjourn on that account.

J. H. LEGARE.

Sworn to and subscribed to before me this 23d day of March, 1877.
[SEAL.]

FRANK F. TEICHER,
Notary Public.

JAMES OSBORN (colored) sworn.

Question. At what poll in this county were you on the day of election?—Answer. At Privateer.

Q. Who were the managers at that poll?—A. Jacob Bethune, James Smiley, and Cain.

Q. Who kept the poll-list?—A. W. O. Cain.

Q. Who swore the voters?—A. James Smiley.

Q. Were they all sworn?—A. Most of the voters voted while I was at the poll, and were all sworn.

Q. Everybody had an opportunity to vote—plenty time?—A. They had.

Q. Did you have a rifle-club at Privateer?—A. Not that I heard of.

Q. Were not strong efforts made by the democrats in your precinct to get the colored men to vote the democratic ticket?—A. They were.

Q. What efforts were made to make colored men to vote the democratic ticket that did not want to vote?—A. I did not hear any myself, but heard others say that if they voted so they would be turned off their places and lands.

(Objected to as hearsay.)

Q. What effect did the presence of United States troops have in the county upon colored voters?—A. Not any effect. It was explained to us that their coming meant that every man had a right to vote as they pleased.

Q. What did the colored republicans do to the colored democrats?—A. Not anything.

Q. At your precinct, did you see any of the bogus red tickets?—A. I did not.

Q. Did you see any republican there that voted for any man against his wishes?—A. I did not see it myself, but a young man by the name of Virgil Lawson told me that two voted against their wishes for Captain Richardson by strips being put over Rainey's name.

(Objected to as hearsay.)

Cross-examination:

Q. Who were the two that you were told voted against their wishes?—A. I knew their names, but forgot them.

Q. Where does Virgil Lawson live?—A. He lives now in Orangeburg, since the first of the year; used to live in Privateer up to that time.

Q. How were the voters sworn in Privateer? Was it from an oath that was written out and read out to them, or was it an oath administered verbally by James Smiley?—A. I did not notice particularly whether it was printed or written.

Q. Did you not see Mr. Smiley reading out from a paper he held up in his hands the oath he administered to the voters?—A. I did not notice it.

Q. Were you present in the house all the time, from the time you got to the polls until you left?—A. No, sir.

Q. What proportion of the time were you out?—A. I was out on the piazza looking through the window.

Q. Were you either in the piazza or the house all the time that you were there?—A. I was out in the yard.

Q. You said you were on the piazza a portion of the time looking through the window. Had the office in which the polls were kept any window on the piazza?—A. It had.

Q. Please name, if you can, any colored voters in Privateer precinct who were turned off their places for voting the republican ticket?—A. I don't know that there is any that were turned off.

Q. Please name any that were threatened to be so turned off to your own knowledge.—A. I cannot remember any one particular; can call no names.

Q. Please name any one who told you that they were threatened with being turned off.—A. Cannot remember any one particular.

JAMES ^{his} + OSBORN.
mark.

Sworn to and subscribed to before me this 23d day of March, 1877.
[SEAL.]

FRANK F. TEICHER,
Notary Public.

JACOB BETHUNE (colored)—sworn.

Question. Where were you on the day of election, and in what capacity?—Answer. Manager at Privateer precinct.

Q. What time did you get to the polls?—A. Twenty-five minutes after six by the watch of Mr. I. B. Tindall.

Q. When you got there the other two managers were waiting for you?—A. They were.

Q. What caused your delay in not being there on time?—A. I was unwell.

Q. With reference to daylight, what time was it you got to the poll?—A. We had to use candles after I got there.

Q. About what time was it when the polls were actually opened?—A. I could not say; it was opened a very short time after I got there.

Q. How long after you got there, and the polls opened, before the citizens commenced assembling to vote?—A. About an hour.

Q. Were you managers all sworn?—A. We were.

Q. Who kept the poll-list?—A. W. O. Cain, the democratic manager.

Q. Did the managers administer the oath to all the voters there that day?—A. They did.

Q. Did all the voters have plenty time and opportunity to vote that day?—A. They did; could vote as many more.

Q. Were colored democrats interfered with during the campaign or election?—A. None.

Q. What effect did the presence of the troops have upon the voters in your county?—A. None whatever.

Q. According to your opinion, and what you saw and heard, were not many colored people compelled to vote the democratic ticket?—A. Not that I know of.

Cross-examination :

Q. How long after daylight was it when you got to the polls at Privateer?—A. I cannot say.

Q. Was not the polls opened in a dark office, and the day very dark?—A. Opened in an office, with the window open.

Q. Were the candles used in the office after the windows were opened?—A. They were.

Q. Were not the watches of James Smiley, John B. Tindall, and Dr. Furman, the last two being United States supervisors, compared, and the time settled between them, as to the hour of opening the polls?—A. I did not see any pull their watches except Dr. I. H. Furman.

Q. Who were the republican rallying committee?—A. I am unable to say.

Q. Did you hear there was such committee?—A. I heard some such thing.

(The contestee's counsel asked witness if there was not a democratic rallying committee there also; to which witness replied "Yes.")

Q. Who administered the oath to the voters?—A. James E. Smiley.

Q. Did he read a written oath to the voters or not?—A. He read an oath written out.

Q. Who was United States deputy marshal at the poll?—A. I don't know.

JACOB BETHUNE.

Sworn to and subscribed to before me this 23d day of March, 1877.

[SEAL.]

FRANK F. TEICHER,

Notary Public.

THOMAS WILLIAMSON (colored) sworn.

Question. Where were you on the day of the last election?—Answer. Was and lived in the town of Sumter.

Q. Were any threats made against you to get you to vote the democratic ticket?—A. I have been advised to vote the democratic ticket.

Q. Did you not have to vote for Hampton against your wishes to keep you from being turned off?—A. I did vote for Hampton against my wishes, and for other democrats on the ticket against my wishes. There was a democrat I did intend to vote for, and I voted for him; not as to the others.

Q. Do you know of any other colored people that had to vote against their wishes?—A. Some have told me that they had to leave on account of voting republican.

Q. Were you expecting trouble and collision between the white and colored people the day of election?—A. I did.

Q. What effect did the presence of United States troops have in this county upon the colored voters?—A. It had but very little effect either way. There were but fourteen soldiers here, and I heard colored people say that went to see the soldiers who told them to go to work and vote for Hampton.

Q. So you don't think that the troops interfered in any way in the election either way?—A. I don't think they did.

Q. If they had any effect at all upon republicans, was it not simply the assurance of voting simply as they pleased?—A. If they had any effect, I think it is.

Q. Do you know of colored people in any way interfering with colored democratic speakers and voters?—A. I do not; don't remember anything. They would talk to them, and told them that they would not join their clubs.

Q. You are a colored man, and voted for Hampton, and now I want you to say if you were ever molested by colored people for so doing?—A. Very few know it, and those that do don't care or say anything about it.

Q. Did not the democrats pass resolutions and have pledges not to employ any colored people that voted against them?—A. They did.

Q. Did these pledges frighten a good many colored people to vote with the democrats?—A. I believe it did, because they were poor and needed the white people's employment for their support.

Q. Was it not fears of that sort caused you to vote for Hampton?—A. It did. I did not care to lose my situation, and I would not have voted for some of the ones I did, had it not been for these resolutions.

Q. For the purpose of impressing the colored people with this idea not to employ them, did they not on the day of election have certificates to give to those that voted the democratic ticket among the colored people?—A. They did, and a great many of them have these certificates now, and show them.

Q. In your estimation, did not a great many of the colored people who joined the clubs, do so on account of these threats?—A. I think so.

(All the questions as to this witness are objected to as leading, and such of the answers as are based upon opinion and hearsay.)

Cross-examination :

Q. Did you join the democratic club?—A. I did not.

Q. In whose employ were you during the last campaign?—A. Dr. A. J. China.

Q. Did Dr. China ever threaten you or intimate to you that he would turn you off if you did not vote the democratic ticket?—A. He said he did not wish any one in his employ who voted the republican ticket; there was not a man on the republican ticket fit to vote for.

Q. Did you vote the whole democratic ticket?—A. I did not.

Q. Who on the democratic ticket did you vote for?—A. There was men on the republican ticket I intended to vote for, and I got Dr. China to write my ticket, as I had to vote for some of the democrats. Voted for Hampton, Simpson, Captain Richardson for Congress, Mr. Wildir, the one I intended to vote for originally.

Q. Did you let Dr. China know that you did not desire to vote for the others?—A. I told him three months before the election that I intended to vote for J. M. Wildir, democrat; the rest for the republicans. He said that would not do. Then I saw that he intended me to vote for more democrats, and I thought they would not be elected anyhow. I told him what names to put down, owing to the pressure and not wishing to lose my situation.

THOMAS ^{his} + WILLIAMSON.
mark.

Sworn to and subscribed to before me this 23d day of March, 1877.
[SEAL.]

FRANK F. TEICHER,
Notary Public.

J. M. TINDALE sworn.

Question. At the last general election at what poll were you at?—
Answer. At Sumter poll.

Q. Are you familiar with Sumter County?—A. I am; have been sheriff for over four years.

Q. Two years ago, during the campaign, did not the republicans of this county support almost entirely the independent republican ticket?—

A. They did, and the whites also.

Q. During the last campaign, were not the party lines strictly drawn in this county?—A. They were in this county.

Q. What ticket did the republican party support last campaign?—A. The republican ticket and the democrats the democratic ticket.

Q. What was the character of the last campaign?—A. Very excited; very bitter feeling on both sides.

Q. How did the democrats of this county conduct the campaign?—
A. My impression is that the democrats tried to carry the election by threats.

Q. What demonstrations did they make, the democrats?—A. On several occasions they rode in numbers at our meetings. From the appearances and threats made at every street corner they were trying to intimidate the colored people from voting the republican ticket, and several colored men told me they voted the democratic ticket on that account; that they had to do it.

Q. Did they, or not, during the campaign organize rifle-clubs in this county?

(Objected to as leading.)

A. They did.

Q. What was the general impression as to the object of forming these rifle-clubs?—A. I heard a great deal said about the rifle-clubs; heard nothing more of them after the governor's proclamation disbanding said clubs, unless they did so secretly.

Q. Were colored men molested or troubled in this county for joining the democrats?—A. I never heard of an instance.

Q. Would you not likely, being sheriff and familiar with the campaign, heard of such instances?—A. I think so.

Q. What effect did the presence of United States troops in the county have in this county upon the colored voters?

(Objected to.)

A. I don't think the soldiers changed a vote either way.

Q. How far is it from the polls to where the soldiers were stationed?—A. Fully half a mile.

Q. Is it not a fact, that this poll, (Sumter,) near which the soldiers were, polled a much larger democratic colored vote, in proportion to the voters, than at any other place in the county?—A. It is a fact.

Q. Previous to the coming of the troops, what was the feeling among colored voters?—A. They apprehended trouble on the day of election.

(Objected to as opinion.)

Q. If the coming of the troops here had any effect at all, was it not simply to assure voters as they pleased?—A. It was.

Q. Was, or was not, a very strong effort made by the democrats of this county to compel colored people to join their clubs and vote with them by the non-employment policy?—A. Hundreds came to me during the campaign and told me their homes would be taken from them unless they joined the democratic clubs.

Q. Did not threats of this sort cause many colored people to join the

clubs against their wishes and vote against their wishes?—A. I can say further that they were in great distress about it.

Q. Some of the witnesses for contestant, whose names I do not now remember, said that you made some threats against their canvassing the county, or something of this sort; did you do so?—A. I made no threats of the kind, but, on the other hand, at every meeting I went to I advised everybody to vote as they pleased.

Q. It was alleged here by some of the witnesses for contestant that threats were made by republican speakers to colored men, that if they voted the democratic ticket they would be put back into slavery.—A. I never heard of any such threats, nor anything from which they could be implied. During the campaign Mr. Richardson, candidate for Congress, complained to me that he could not get a crowd. I called two meetings, at which the colored people attended in large numbers and heard him patiently.

Q. Abram Ruffan, in his testimony, mentioned the fact that at a democratic meeting at Privateer, you called off the republicans to a brotherhood meeting near by; please explain.—A. A school meeting was called in June at Privateer, and that day the democrats were there to speak, after the school meeting, and the chairman of the township requested men to speak on behalf of the republicans on that occasion, but Mr. Fraser, the democratic chairman, refused by saying he did not believe in joint discussion; thereupon the colored people of the brotherhood retired to meet by themselves, for the purpose of ordering a lot of bacon and corn. Just before we got off Colonel Maxwell, from Marlborough, made a speech.

Q. What kind of societies are the brotherhood societies?—A. For mutual aid; no politics in them. The following is a copy of the constitution:

“Constitution and by-laws for the United Brotherhood of Sumter County.

“Knowing that we are all free and equal, and as such we shall stand together for self-protection and mutual aid, believing that in union there is strength, therefore shall be known by the name of the ——— Brotherhood.

“Second. That at our first meeting, we shall elect officers to govern this club, who shall hold their office for twelve months, or until their successors shall be duly elected and qualified. The officers so elected shall consist of the following, namely: One president, one vice-president, one secretary and treasurer, and twelve directors, together with one doorkeeper.

“Third. The club shall hold monthly meetings, which meetings shall convene on the last Saturday in each month, and that all the members of the club are required to attend such meeting for the transaction of any business that may be necessary.

“Fourth. The directors shall hold one meeting in every three months, and shall cause a notice to be given to the members at the time of holding said meeting, so that any member who failed to attend the regular monthly meetings, and failing to pay the monthly dues, shall, at such quarterly meeting of the directors, render their excuse, and the directors shall judge of the excuse so rendered, and shall have power to excuse the member, or impose upon him a fine for such non-attendance at the monthly meeting, of *one dollar*, and for not paying into the treasury the monthly dues, the further sum of one dollar. Any member failing to *pay*, after being instructed to do so by the directors, at the *next* regular monthly meeting, shall be dismissed from the club, and shall also be debarred from all rights and privileges of the club.

"Fifth. The president shall preside at the regular meetings, and shall have power to order the arrest and expulsion from the house of all disorderly members who shall be in attendance upon the meeting, and the member or members so expelled shall render to the directors, at their next meeting, such excuse as they may have for such unruly conduct, and the directors shall have power to excuse or impose a penalty of not more than *five dollars*, to be paid to the treasurer, in failing to do which, such members shall be expelled from the club by a vote of the members present. The president shall administer the oath of office to all the members before they can be considered as full members.

"Sixth. The clerk and treasurer, so elected, shall give bonds in the sum of one thousand dollars, with not less than *three* good securities, for the faithful performance of his duties, and account for all moneys paid into his hands as clerk and treasurer.

"Seventh. The vice-president, so elected, shall act in the absence of the president as presiding officer, and shall have the same power as the president at such meeting.

"Eighth. The doorkeeper, so elected, shall admit no one who is not a regular sworn member, and having such pass-word as may be agreed upon by the club.

"Ninth. No person shall be received as a member of the club who is not of the age of twenty-one years, and shall be elected by a majority of the voters present; and after being duly elected, shall be duly sworn by the president, and shall pay the sum of twenty-five cents to the treasurer.

"Tenth. Each member shall pay into the treasury the sum of twenty-five cents a month, and every member failing to pay the amount above stated shall render to the directors his excuse, and the directors shall have the power to excuse him or cause him to pay the full amount of one dollar, if in their judgment such excuse is insufficient.

"Eleventh. That what is done in a meeting of this club shall be kept a profound secret, and any member talking with, or telling any person not a sworn member, anything that may have transpired in a meeting, shall be directed to attend the meeting of the directors and render such excuse as they may have for such violation of the rules. Upon conviction, the president shall forthwith expel him from the club, and the clerk shall be instructed to notify every club of the forfeiture of the oath of such a member.

"Twelfth. Each member is required to report to the directors any violation of any of the by-laws, and the directors shall cause the member to render his excuse at the next regular meeting.

"Thirteenth. There shall be a committee appointed by the president, consisting of five members, who shall be known as the 'committee on charity,' whose duty it shall be to visit those persons of the club or their families, reported to them as in distress, and give such aid as in their judgment is necessary for the welfare of the distressed member or his family, and shall report the circumstances at the next regular meeting.

"Fourteenth. All moneys paid into the treasury shall be held subject to the pleasure of the club, and that no money shall be paid out but by a two-thirds vote of the club, and the money so paid out shall be duly registered on the clerk's book, and a receipt taken from the parties receiving the same.

"Fifteenth. The president or a majority of the directors shall have power to call a special meeting for the transaction of any business that may be necessary, and all business so transacted shall be legal: Provided, that there are not less than half the members present at such meeting.

"Sixteenth. There shall also be elected a chaplain, who shall open all meetings with prayer, &c.

"Seventeenth. That we shall be a part of the Sumter County Brotherhood, and shall respect all orders or instructions from the chief or president of this county.

"Oath of office to be taken by every one before he is admitted to membership to the club:

"OATH.—I do solemnly swear upon the Holy Evangelist of Almighty God that I will never divulge, and always conceal and never reveal, any of the signs or pass-words of our club. That I will not invent any sign, token, or device, by which the secret and mysteries of our club may be made known, and that I will stand ready to help any brother in distress or need; the whole under pain of being expelled from the club, and forever considered to be a man of no honor, so help your God."

Q. It has been alleged by witnesses for contestant that the brotherhood clubs were made political during the canvass; please state if this is so or not?—A. It is not so; I am and was a member.

Q. Are you not the president of these brotherhood societies for the county?—A. I am.

Q. Do you know during the campaign, or at any other time, of any one being kept out or turned out on account of their political opinion?—A. No; there was a general convention, at which only delegates were entitled, from the various precincts, to admittance, and at this convention only delegates were admitted.

Q. What can you say as to the treatment received by colored democrats from colored men and women?—A. I heard nothing.

(Objections made to all leading questions and to all answers based upon hearsay and as matters of opinion.)

Cross-examination by Mr. R. D. Lee, counsel for contestant.

Q. Are you not known as one of the politicians properly known as scalawags?—A. I don't know what they term me; I don't profess to be a politician.

Q. When did you join the republican party?—A. I don't remember when I joined, but my first vote I ever cast was a republican one in 1868.

Q. When did you first go into office under the republican party?—A. I think it was in 1870.

Q. When were you elected sheriff of Sumter County?—A. In October, 1872; re-elected in the fall of 1876.

Q. Has not your republicanism and your office-holding been coextensive?—A. Nearly so, as I was appointed in 1870 and staid in office.

Q. Then you were the sheriff during the last campaign. Was there any obstructions to legal processes you had to serve?—A. Not the slightest.

Q. Then the proclamation of Governor Chamberlain, as far as Sumter County is concerned, was untrue?—A. If it relates to duties such as serving legal process, it was.

Q. If there was no resistance to legal process, why did you apply for troops?—A. I don't remember that I signed the petition; likely I did, but it was to prevent intimidation of voters at the polls.

Q. You stated that the democrats, before the troops came, made threats to carry the county by force?—A. I did hear it said they would carry it peaceably if they could, forcibly if they must; but do not remember any one by name who said so; did not pay any attention myself to these threats.

Q. You stated that the democrats, as a means of intimidation, rode

up to the meeting of republicans?—A. A dozen or so would ride up to the meetings at Bishopville especially; we were considerably abused by the democrats.

Q. You stated that a great many colored men told you they were forced to vote the democratic ticket; name some?—A. They were so numerous, don't remember their names.

Q. Did you regard the threats of the democrats as meaning anything? A. Not as far as I am concerned.

B. You mean by that that you were not afraid yourself, only the colored people?—A. I think they were.

Q. You state that a number of rifle-clubs were formed; can you name the officers?—A. I do not know to my own knowledge of but the one in Sumter; heard of others.

Q. You state in your direct examination that hundreds of men told you they were threatened with non-employment; state their names.—A. Lots of men told me so, but I don't remember their names.

Q. In a speech you made at Raftin Creek, did you not advise the colored people to apply the torch?—A. I did not; and the informant lies.

Q. Do you not know of all the facts, that colored republicans stacked their guns at Providence and Raftin Creek before they voted?—A. I do not know; never heard of it.

Q. You stated that the brotherhood had no political significance; did they ever turn out in an organized form during the campaign?—A. They did at one occasion, on a visit of the governor, who spoke at this place, with their banners at the head of their societies.

Q. Did not the brotherhood society of Green Swamp threaten to throw Abram Ruffan out?—A. I never heard of it, nor any other of the societies.

Q. Did you never hear the republican speakers during the campaign say that if they joined the democratic party, their political privileges would be taken from them?—A. I heard some of the speakers say that they would not enjoy all their rights and privileges they do now if the democrats got into power.

Q. Did you never hear that the condition would be one worse than slavery?—A. I don't remember as to that, but their words may have been possibly construed in that light.

Q. Are not the colored people of this county exceedingly ignorant?—A. I don't consider them exceedingly ignorant as to politics; they are as to reading and writing.

Redirect:

Q. You were asked something about arms at Raftin Creek and Providence; were any colored militia in this town during the campaign?—A. Not that I know of; they disbanded about a year before the canvass, and the majority of the guns burned in the jail.

Q. Do you know or not whether prominent democrats applied for troops or not?—A. I cannot say of my own knowledge.

Q. Did or did not the democrats by deed and word express themselves pleased with the coming of the troops?—A. They did; rode them out often.

Q. At the departure of the troops, did not the democrats assemble and congratulate them on their conduct?—A. I heard so.

(Objected to as hearsay.)

J. M. TINDALL.

Sworn to and subscribed to before me this 24th day of March, 1877.

[SEAL.]

FRANK F. TEICHER,

Notary Public.

The sheriff then produced Simeon Lenon as one of the parties alluded to in the testimony, who complained to him as threatened by being turned off on account of the threats of the democrats, and brought him before the notary public; and he also states that Zack Walker was appointed a deputy sheriff by him, and stationed at Raftin Creek polls, to preserve the peace if necessary.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

ZACK WALKER (colored) sworn.

Question. At what poll were you at the last election?—Answer. At Raftin Creek; sent there by the sheriff to carry the tickets; was acting as deputy sheriff.

Q. What time did you get to the polls that morning?—A. At 5 o'clock, or before.

Q. At what time was the poll opened?—A. At 6 o'clock; just about daylight.

Q. How long after the polls were opened before voters commenced assembling?—A. About sunrise a few began to come.

Q. Did all the voters have plenty time to vote that day?—A. They did; very few voted after 12 o'clock that day.

Q. Were the polls kept open all day?—A. Open all day.

Q. At any time during the day did the managers all leave the box?—A. They did not; about 12 o'clock no one came; all the managers ate their lunch standing around about in the room near the box.

Q. Who acted as clerk of the managers that day?—A. Marion Sanders.

Q. Was he sworn?—A. I don't know; think he was.

Q. Who were the managers?—A. Mr. Jennings, S. Skinner, and Reynolds.

Q. Did he not assist in keeping the poll-list; that is, Jennings, the democratic manager?—A. He did. The clerk was called off on account of his wife's sickness, and Mr. Jennings took his place and kept it.

Q. How many holes were in the top of the box?—A. I did not see but one; if there were two, one was pasted up.

Q. Did you see, on that day, any armed white or colored men at or near the polls?—A. I did not; saw no guns at all.

Q. If men had come near the polls at all with guns, could you have seen them?—A. I could; the polls were held in an open place, and I was out and about all day.

Q. Did you hear any guns fired about the place?—A. I did not.

Q. Who swore the voters?—A. Either S. Skinner or Jennings.

Q. Were all the voters at that poll sworn or not?—A. They were; all that I saw vote were sworn, and saw most of them vote and sworn.

Q. Did you see any colored men vote who had their little cloth haversacks on them that day?—A. They had; and were accustomed to carry such things for their lunch.

Q. During the campaign, what efforts were made by the democrats to prevent colored people from voting the republican ticket?—A. It was said, as a general thing, that the parties voting with the democrats should have supplies, &c., and those that did not, to put them out of their houses.

Q. What effect did it have upon colored people?—A. Most of the colored people were distressed about it; they had to vote or promise to vote with them, so they told me.

Q. How did they count the vote at Rafting Creek?—A. There was but one scratched ticket and one written ticket in the box; they selected

out the straight republican and straight democratic tickets, put them in separate piles, then call from the tickets the separate names, and credit the respective candidate with the vote. Each name on every ticket was called.

Q. Did or did not, particularly the democratic, managers scrutinize every ticket?—A. They did; and after the election was over, the managers, Jennings, Sanders, and McLaurin, all democrats, said in a crowd that we had a peaceable, quiet election that day.

Q. The McLaurin you refer to, is it H. J. McLaurin?—A. It is H. J. McLaurin, who acted United States supervisor at that poll.

(Objections made to all leading questions and answers based upon hearsay and opinion.)

Cross-examination:

Q. Were you or were you not a deputy sheriff at Rafting Creek on the day of election?—A. I was.

Q. You were therefore an officer of the State?—A. I don't know; I suppose.

Q. Did you carry the republican ticket from Sumter to the Rafting Creek polls?—A. I did.

Q. Did you distribute those tickets?—A. The tickets were placed on the table. I had some in my pockets, and the parties wishing any I gave it to them.

Q. Was it your idea of your duty that you had to distribute these parties a ticket?—A. It was not.

Q. Did you have any time-piece that day?—A. I had; and looked at the watch; it was at 6 o'clock when the polls were opened, or a few minutes after.

Q. How many United States supervisors were at the polls, and who were they?—A. McLaurin and Hunter.

Q. Did you see Hunter distribute any tickets?—A. I did not.

Q. Did you hear of guns being about that poll?—A. I did not.

Q. You stated in your examination-in-chief that a great many threats were made by land-owners; that these colored men were ousted from their homes; how did you know that?—A. I heard it in speeches at the hall that the land-owners should not rent land nor furnish supplies to parties voting the republican ticket; heard Charles Moise, J. S. Richardson, and others.

Q. Did you ever hear any land-owner threaten to turn out any colored man simply for voting the republican ticket?—A. I have not, simply because they were republicans; but for voting the republican ticket.

Q. Who did you hear say so?—A. I don't remember.

Q. If you heard a man make such unjust speeches would you not be apt to know the man that made such?—A. Pretty much all the speeches made in this county were made in that style, yet I cannot remember the parties.

B. E. WALKER.

Sworn to and subscribed to before me this 24th day of March, 1877.
[SEAL.]

FRANK F. TEICHER,

Notary Public.

ELIAS JOE, (colored,) sworn.

Question. At what voting place were you in this county on the last election?—Answer. At Carter's Crossing.

Q. Did you hear many speeches made by the democrats during the

campaign?—A. Just one; Colonel Blanding's, the democratic county chairman, made at Carter's Crossing.

Q. What was the character of the speech?—A. His speech was this: that he came there that evening to tell the colored people that they were in the fault all the time, and now asked them to vote with them, and if they did not he would bullet them on the day of election and make them vote with them; that they get the election anyhow.

Q. What is the reason you did not hear any more democratic speeches?—A. I thought after hearing that it was my best policy not to go to hear any more speeches.

Q. Were the colored people ever affected in his part of the county by threats, &c.?—A. I heard none say so himself.

Q. Do you know whether a good many colored people voted democratic to keep their homes or not?—A. I am not prepared to say.

Q. Were the colored people expecting trouble on the day of election?—A. They did expect trouble on the day of election.

Q. What effect did the bringing of the soldiers into the county have upon colored voters?—A. Had no effect.

Q. If it did have any effect was it not to assure them to vote as they pleased?—A. Yes.

(Objected to as leading questions, and answers as hearsay and opinion.)

Cross-examination:

Q. On whose place did you live last year?—A. On land of T. J. McCutcheon, and live there now.

Q. Did he threaten to turn you off for voting the democratic ticket?—A. He did not.

Q. When you heard Colonel Blanding's speech what did you understand him to mean by being bulleted that day?—A. I don't know; I was very much excited on account of that remark. I believe that he meant to shoot.

Q. You voted at Carter's Crossing?—A. Yes.

Q. You expected trouble; did you carry arms?—A. I did; carried no arms.

Q. Why did you not carry arms?—A. Because it was not lawful that I should carry arms.

Q. When you went to vote that day did you expect to get shot?—A. I did, from the speech made.

Q. Did you go alone?—A. No, sir; three others went with me.

Q. Did you hold any office that day?—A. I did not.

Q. How did Mr. Tuomey come to go with you that day?—A. He called at my house about 5 o'clock, or a little before, and we all went together.

Q. Did you get there before the box was opened?—A. I did.

Q. Was any crowd there when you came?—A. Six or seven.

Q. Although you expected to be shot that day, you was one of the first on the ground?—A. I was.

Q. Did Mr. Tuomey tell you, or any else, that there was any danger at the polls that day?—A. He did not.

Q. What time did you leave?—A. At the closing of the polls.

Q. Were you expecting all the time to be shot?—A. No.

Q. Were you intimidated that day?—A. I was before that day.

ELIAS JOE.

Sworn to before me this 24th day of March, 1877.

[SEAL.]

FRANK F. TEICHER,

Notary Public.

A. G. STEARS, (colored,) sworn.

Question. Where were you the day of the last election?—Answer. I was at Providence, in this county, as a manager of the election, and the polls opened at 6 o'clock a. m.

Q. Who were the other two managers?—A. Marcus Spann, sr., and R. I. Bromfield.

Q. Who acted as clerk?—A. R. I. Bromfield, the democratic manager.

Q. Was the poll-list kept correctly, and according to law?—A. It was.

Q. How did you count the votes at the close of the election?—A. We selected all the whole red tickets, put them into one pile, put the whole democratic tickets into another, then selected the scratched tickets, put the republicans into one pile, the democratic into another. The manager examined every ticket separately, and called off the names on every one, both republican and democratic.

Q. Did you find any bogus red democratic tickets in the box?—A. Found two.

Q. How were they counted?—A. Were counted for the democrats.

Q. Did you not, in examining the tickets and calling off the names, act very careful?—A. We did, because we expected to find J. S. Richardson's name over Rainey's, as slips were out with Richardson's name on it.

Q. Did Rainey, for Congress, get every vote that he was credited with at that poll?—A. He did, positively.

Q. Was the election peaceful and quiet that day?—A. It was; but it was rumored during the counting of the votes that the democrats tried to carry the box away, and after the vote was counted and we were about to retire, all the managers and supervisors remarked that this was the quietest election they had ever seen, and the prominent democratic citizens of the precinct remarked that the result was about the same as they expected.

Q. Where did you count the votes at?—A. In the afternoon (election-day) the matter was brought up that we could not keep lights where we was taking the votes, and it was agreed by all the managers and supervisors, both democratic and republican, that we should go on closing the poll to Mr. Falk's store, without adjourning, which we did, where we could get the use of lights. The box was taken there by all the managers together, the marshal behind us to see that the crowd did not rush near us, nor allowed any one to go ahead of us. When we got to the store I placed the deputy marshal at the door to keep the crowd out, or from blockading the door.

Q. Did you count the votes at the place correctly, as they were cast?—A. We did. There was not a candidate on either ticket that was cheated out of a vote.

Q. Did the place where you had the poll—describe the building.—A. It was an old, dilapidated building, without any covering and no shutters to the windows.

Q. Could you have counted the votes at that place?—A. It was a bad night; the wind was blowing so no light could be kept, and the votes could not be counted there.

Q. Do you know of any intimidation used before or during the election by the democrats to cause colored men to vote democratic?—A. No direct information; but I heard a good many colored people say if the colored men would vote the republican ticket they could not get any lands to rent nor supplies.

Q. Have not colored men told you so?—A. They have told me so.

(Objected to, all the leading questions and answers based upon hearsay and opinion.)

Cross-examination :

Q. Did the colored men you refer to tell you that they had been notified by democratic land-owners and owners of supplies that they could not get lands or supplies if they voted the republican ticket?—A. They did; they were threatened with starvation.

Q. Mention the names.—A. Where I live is at the cross-roads; strike at a blacksmith shop. Came in daily contact with men. Cannot remember my informers, nor the parties threatening these things.

Q. Did you get last year any credits?—A. I did.

Q. Were you threatened having supplies withholden from you?—A. No; I dealt with a very conservative man, who had not voted since the war.

Q. Do you know that Captain France was living here but two years?—A. I think he was here three or four years.

Q. Will you, or will you not, state on oath that colored men were there at or near the polls armed on the day of election?—A. I did not see anything of the kind, nor did I ever hear of anything of the kind. Thought the colored people behaved well.

Q. Were you a manager there that day?—A. I was.

Q. Did you carry tickets there that day?—A. I did, and placed them on the table and touched them no more.

Redirect :

Q. Were you exceedingly particular to carry out the printed instructions to the managers of the election?—A. I was, if I ever was particular in my life; and the law was strictly complied with.

A. G. SPEARS.

Sworn to and subscribed to before me this 24th day of March, 1877.
[SEAL.]

FRANK F. TEICHER.

Notary Public.

BUTLER SPEARS (colored) sworn.

Question. Who were the commissioners of election for this county at the last election?—Answer. John B. Johnston, James R. Muldrow, and Joseph B. Spears.

Q. As commissioners of election was it your duty to appoint managers of election at the various precincts?—A. It was, and we done so.

Q. In appointing managers how did you do so as to politics?—A. We appointed two republicans and one democrat, suggested by the democratic executive committee.

Q. Did you furnish these managers with printed instructions?—A. We did.

Q. Did the commissioners of election see that the managers were properly sworn?—A. We furnished blank oaths and sent them to the clerk of the court to be executed, and saw that as many as two managers from each precinct were sworn, so that they might administer the oath to the third one.

Q. It appears from the testimony of contestant, heretofore given, that some of the boxes after the election, and after being placed into the hands of the election commissioners, who became canvassers, were opened. Please explain the whole manner fully.—A. As far as I remember, I will state why the boxes were opened. I think Rafting Creek was opened first, because the votes cast for T. J. Tuomey were given to T. J. Tindall, he not being the candidate for school commissioner, and it was returned by the managers for T. J. Tindall—so many votes for school commissioner. Colonel Blanding, the supervisors, and managers,

were present when the box was opened, and the votes were examined only as far as the school commissioner was concerned, which showed that there was a clerical error in the statement of the managers as to school commissioner. The Mayesville box was opened because the poll-list and managers' return were sealed up in the same with the ballots, and also opened in the presence of one of the supervisors, all the managers, and Colonel Blanding. The manager stated that the poll-list was placed in the box by instructions of Colonel Blanding, chairman of the democratic executive committee. The Shiloh box was opened for the same purpose. Bishopville the same; Swimming Pens, to get the poll-list, and all managers and supervisors and Colonel Blanding being present. The Manchester box was opened to correct a clerical error in the sheriff's vote, all the supervisors, managers, and Colonel Blanding being present. Stateburg box had a clerical error to be corrected. The votes cast for Elliot, as attorney-general, were given to the comptroller-general, T. C. Dunn.

Q. Were not all the boxes in which the ballots were examined, opened simply for the purpose of correcting clerical errors in the vote for county officers, and the one in relation to attorney and comptroller general?—

A. They were. The others that were opened was for the purpose of getting out the returns and poll-lists, which were accidentally sealed up in them.

Q. Was the vote for Congress for either candidate changed or interfered with?—A. It was not.

Q. Did not the entire board of canvassers, the democratic executive committee, and the republicans all acquiesce in the opening of the boxes for the purposes they were opened?—A. They did, and the democrats had clerks employed all the time, to be present with the board of canvassers, in order to make statements, &c., in addition to the persons above mentioned.

Q. One of your board was a democrat?—A. He was, and present all the time; took part in everything done.

Q. At what polls did you go during election-day?—A. During the voting hours I was at three different places, Providence, Stateburg, and Rating Creek.

Q. Did you see any colored man or men at either of those polls or near those polls with arms?—A. I did not; I would like to state that at all the polls I was everything was quiet and peaceable, save a little intimidation at Providence. Heard them say, "How will you vote?" If they said republican, the men would say, I fix you, or remember you for it. Remarks of this sort were made by white democrats to colored republicans.

Q. What about threatening or intimidation by democrats against republicans during the campaign?—A. I heard a good deal, both by individuals and at club-meetings.

Q. Did or did not this intimidation and threats cause a good many colored voters to vote democratic against their wishes?—A. I think it caused a great many to vote that way that would have voted not that way if let alone. Resolutions were passed in public meetings not to employ any one that voted the republican ticket, and resolved by the club not to do so, and persons were discharged under these resolutions.

Q. The colored people of this county were entirely depending upon the white people for employment?—A. They were, and they had places in the town of Sumter where certificates were issued to colored democrats, upon which they received corn and bacon, &c., indulgence of land, liens, mortgages, and various other things.

Q. Did not such resolutions as you refer to greatly trouble colored people?—A. It did, and caused many to vote the democratic ticket.

(Objected to, all leading questions and answers had upon hearsay and opinion.)

Cross-examination:

Q. Did I understand you to say that you were present when the Sumter local democratic club passed resolutions not to employ colored men who voted the republican ticket?—A. I was present when similar resolutions were passed.

Q. Did you not state that democratic land-owners turned off colored persons for voting the republican ticket? Name the colored persons and democratic land-owners.—A. Aaron Jenkins was turned off by Mr. Moise after he paid some \$300 or \$400; this was stated to me by Jenkins. Samuel McDuffie was turned off by Mr. Schwerin and Solomons and others.

Q. What others?—A. Frank Howell was turned off by J. M. Booth; stated so to me.

Q. Do you recollect any others?—A. A great many others, whose names I cannot remember.

Q. Did you not get supplies from the democrats last year?—A. I did get corn, but not with a certificate.

Q. Did they threaten to withhold their supplies from you for voting the republican ticket?—A. They did not.

Q. You state that you did not see any arms at Rafting Creek, Providence, or Stateburg. Please state what you did see.—A. I saw Captain Gaillard's squad at the polling-place at Providence, where they camped, but did not see any arms.

Q. Did you hear of any republicans having their guns stacked at either of these places?—A. I did not.

Q. Do you admit, then, as county canvasser, that the boxes at Sumter No. 1, Privateer, Stateburg, Providence, Rafting Creek, Spring Head, Bishopville, Lynchburg, Shiloh, Mayesville, Johnston's Store, and Swimming Pens were opened?—A. Not all of them.

Q. Did you not know that you did not have the authority to open said boxes?—A. I did not then, nor now.

Q. Were not all the names on one general ticket?—A. They were.

Q. How could you say that you only counted for one office, when all the names were on one ticket?—A. We only looked for the particular names.

Q. Do you admit that you counted certain names in the several boxes mentioned?—A. We did, in the boxes mentioned, in the presence of the managers, supervisors, and Colonel Blanding.

Q. You say that you had the printed election-law before you. Did that law give you authority to open the boxes?—A. It did, in the presence of the managers and supervisors.

Redirect:

Q. When you say the boxes referred to, do you mean the ones in your direct or cross examination?—A. The ones in the direct examination.

Q. Captain Gaillard and his squad you refer to as being camped at Providence at the polls, were they democrats or republicans?—A. Democrats.

Q. Did you see any republicans at any of the polls or near the polls with any arms that day?—A. I did not.

B. SPEAR.

Sworn to and subscribed to before me this 24th day of March, 1877.

[SEAL.]

FRANK F. TEICHER, *Notary Public.*

T. J. TUOMEY sworn.

Question. At what place in Sumter County were you on the day of the last election?—Answer. At Carter's Crossing.

Q. Did you act at that poll in any capacity?—A. I went there to act as supervisor, and kept the supervisor's list while the democratic supervisor went to dinner; during the balance of the time he kept the list. I saw things were going on very nicely; he being a truthful man, I did not keep a list; his name was Leroy Shaw.

Q. Who was the clerk of the board of managers?—A. Henry G. Shaw, who done his duty very correctly, and furnished a duplicate of the poll-list to the democrats.

Q. Did not the poll-list kept by the democratic supervisors and the one kept by the clerk correspond?—A. Everything corresponded exactly, and the number of ballots in the box corresponded exactly with these lists.

Q. Do you know whether the clerk was sworn?—A. I do not know.

Q. One of the managers, in addition to the supervisor you mentioned, was a democrat?—A. He was; his name was Dr. Stuckey.

Q. Did not the clerk, Shaw, do all the writing done in the immediate presence of all the managers?—A. He did.

Q. A colored man by the name of Royal Robinson, or Roy Robinson, has been heretofore examined by the contestant in this case, and connects your name with some threats made against him; please make a statement in relation to the matter.—A. I know but very little of the man; always thought he was a half idiot, and made a butt of by the community at large; did not speak to him prior to the election on any subject, and never threatened him in my life, or had any occasion to do so.

Q. You have been examined in this case as one of the witnesses for contestant?—A. I have.

Q. During the campaign in this county, were colored people threatened by the democrats or attempted to be intimidated by them to keep them from voting the republican ticket in any manner? And, if so, state the means of doing it.—A. I heard complaints and saw people almost daily who told me that they were threatened to be turned off their land if they did not vote the democratic ticket; this was very public and published in the papers, and I further remember a resolution of the democrats published in the paper, not to hire any one or employ one that voted the republican ticket, and advised other clubs in the different townships to do the same. Below is a copy of one of the resolutions I saw published:

“Resolved, That the democrats of Sumter Township will extend no favors to, and will withhold all patronage from such persons as shall assist the radical ring of rascals to continue to impose upon us and our posterity the corrupt government under which all races, classes, and conditions of men have so long groaned.

“Resolved, That we recommend that similar action be taken by all democrats of the county.”

Q. In your opinion, did not proceedings of that sort cause a great many to go with the democrats contrary to their wishes?—A. It did, and kept men away from the polls; then it caused them to vote democratic.

(Objected to the question as leading and the answer as opinion.)

Q. It appeared that there were a few troops here during the election; how far were they stationed from the depot?—A. About 800 yards. Troops did not do the republicans any good; they were courted by the

democrats, and were democrats themselves, and were serenaded by the democrats, and addressed and highly complimented upon leaving town.

Q. Did not the prominent democrats of the town make farewell speeches to the troops upon their leaving here, thanking them for the impartial manner in which they exercised their duties?—A. I heard so. Charles H. Moise and A. W. Suder went to the depot for that purpose; also, E. C. Green.

(Objected to as hearsay.)

Q. Did the presence of the troops in this county influence or cause a single colored man to vote republican against his wishes?—A. No, sir.

Q. If the troops had any influence or effect at all, was it not simply to assure everybody of their right to vote as they pleased?—A. I so understood it.

Q. Previous to the coming of the troops was there not a great deal of uneasiness among the colored people as to their being allowed to vote as they pleased?—A. There was; and it was openly asserted that the colored people would not be allowed to vote as they pleased. Even the democrats offered to bet me that we would not poll half the republican vote.

Q. What was the character of the campaign?—A. Very active; the party feeling ran very high.

Q. Was there any terrorism or intimidation by colored persons against colored democrats?—A. I did not hear of any. A great many colored people said a hundred belonged to the democratic club, and one of them worked for me and never heard of anything of the sort.

Cross-examination:

Q. Were you a candidate and returned elected on the republican ticket?—A. I was.

Q. Did you go to the Carter's Crossing poll under an appointment as a United States supervisor and keep the list of voters for a part of the day?—A. I did, and kept the list for about one-half of an hour.

Q. Did you read over or hear read over the list of voters kept at Carter's Crossing by the clerk and by the United States supervisor, and see for yourself that they tallied as to each and every man?—A. I did, except I did not hear it read by the clerk; saw it myself; heard name for name, number for number, read out.

Q. Were you present when the polls closed and the ballots were counted?—A. I was.

Q. Describe the manner of counting the votes at that poll.—A. The managers opened the box, counted all the ballots first to see if they corresponded with the names on the list, and they did; then we counted all the straight republican tickets, and gave each candidate on the republican ticket credit for the full number of straight tickets; democrats the same way; then we made out a list of all the candidates and gave them credit for the votes they received by the scratched tickets; added them to the votes above. We were very careful to see that every man received what he was entitled to. Counted the democratic tickets in that box for the democrats.

Q. Then the names of the candidates voted for on what you call the straight republican ticket and the straight democratic ticket were not read out from the ticket?—A. They were not.

Q. Who acted as United States deputy marshal at this poll?—A. There was none.

Q. Name the men who told you they were threatened to be turned off their lands for voting the republican ticket.—A. It was so general I

could not remember all the names; could name some that were turned off after the election was over.

Q. Who "openly asserted" that colored people would not be allowed to vote as they "pleased?"—A. In a conversation I had with E. N. Moise, the candidate for adjutant and inspector general, he stated to me that we would not receive one-half the number of colored votes in this county, and he offered to bet me. Charles H. Moise told me the same things a half a dozen times on the street.

Q. Did either of these gentlemen, or any one else, say, or use language that could mean, that the colored people would not be allowed to vote as they desired?—A. That's the inference I drew, that they would be scared off.

Q. Did either of them use any stronger language than you have in your answer above credited to them?—A. Not in my hearing.

Q. Some of the witnesses for the contestee have testified that the contestant in some of his speeches was an advocate of the shot-gun and coercion policy. Have you ever heard the contestant during the campaign; and, if so, was he not utterly opposed to any such policy?—A. I did not hear contestant make a speech during the campaign; had several private conversations with him, and judged that he was opposed to that policy.

Redirect:

Q. State what boxes were opened by the county canvassers after the election, and for what purposes?—A. Manchester box was opened; the two candidates, J. M. Wilder and J. M. Tindall; J. M. Wilder got the democratic vote, and was also credited, through a mistake of the manager, with the republican vote, and the box was opened to correct this clerical error and resealed. Rafting Creek was opened in a like manner, as T. J. Tindall got the vote intended for T. J. Tuomey on the manager's statement; this also, being a clerical error, was corrected. Mayesville, Shiloh, Swimming Pens, Bishopville, and one other opened, were opened to get the statements out, which were put in contrary to the orders of the election commissioners, and had to be gotten out to make the consolidated return for the secretary of state's office. Rafting Creek, Manchester, and Privateer and Stateburg, the managers and supervisors were present from these particular boxes, or a majority of them. We could not get the democratic manager of the Rafting Creek box to come; he was sent for, but did not come; all the balance of the democratic managers were present. The democratic executive committee, Colonel Blanding, was there, with other prominent democrats, with their clerk, Wisin, was there all the time.

Q. Did the opening of these boxes interfere in any way with the congressional vote?—A. It did not, nor any other vote.

Q. How much did the white vote exceed the last census?—A. One hundred and thirty-eight; and the colored vote fell short of the last census sixty-seven.

Q. About how many white persons voted the republican ticket in this county at the last election?—A. About forty.

(Objected to as an opinion.)

Q. How many white persons voted in this county at the last election?—A. Nineteen hundred and sixty-five.

Q. How many votes did J. S. Richardson get in this county for Congress at the last election?—A. Twenty-three hundred and eighty-nine.

Q. Now, if you take 40 republican white votes from the total white vote it will leave how many?—A. Nineteen hundred and twenty-five.

Q. Now, if you will take the 1,925 white votes that J. S. Richardson got for Congress from his total vote in this county, 2,389, how many colored votes does it show he received in the county?—A. Four hundred and sixty-four.

Q. Of these 464 colored democratic votes what proportion would you say was cast in the town of Sumter, where the troops were stationed?—

A. More than 200 of these colored votes were polled in Sumter, where the troops were stationed.

Q. But in the country where no troops were stationed was not the proportion of the colored votes that were democratic much less than in town?—A. Very much less.

Q. On a fair vote in this county, what is the republican majority?—A. Twenty-two hundred; it has been more.

Q. By whom was the last census taken in this county?—A. By Samuel Lee.

Q. Is not Mr. Lee a good business man, and was not the census taken with great care?—A. He is, and it was, and compares almost exactly with the census taken by the school trustees every two years.

(The above kind of evidence objected to on the ground that it is not the highest or best evidence obtainable, and that the census itself and the return of the county canvasser is higher evidence and obtainable.)

At the request of contestee's counsel the census as given is taken from the printed report of the secretary of state.)

Q. The vote of the county you referred to in your previous testimony just above was how obtained?—A. It was a copy of a tabular statement from me as clerk of the county canvassers, and furnished by me to the newspapers for publication, and is correct.

Recross-examination continued:

Q. Is it not a fact that there were more colored men who joined the democratic club at Sumter than at any other precinct in the county?—A. It is.

Q. Were there not more colored men who united with the democratic club at Sumter than in all the balance of the county?—A. I heard so.

T. J. TUOMEY.

Sworn to and subscribed to before me this 26th day of March, 1877.
[SEAL.]

FRANK F. TEICHER,
Notary Public.

PRINCE BRAMBERT (colored) sworn.

Question. With whom did you live last year?—Answer. With J. A. Rhame.

Q. Did he before the election make any threats, trying to get you to vote the democratic ticket?—A. He did.

Q. What threats did he make?—A. He said he had signed a pledge to the democratic party that any man did not vote the democratic ticket that they should neither hire nor to give them employment, and not to rent them any land; also, discharge them from the place. He told me if I did not vote with him he would do me that way.

Q. Did you hear him tell any other colored persons so?—A. I did not hear it myself, but others told me that he told them so.

Q. On the day of election, at what place were you?—A. At Lynchburg.

Q. What did Rhame say to you that day?—A. In the first place, he asked me who I was going to vote for. I told him that I was not ready to vote yet; I was going to wait awhile until I saw which way the

majority run. Then he said to me, "You know very well that the biggest majority of niggers here will vote for Chamberlain;" and then he asked me if I wanted a ticket. I told him not yet; and he said to me I might just as well now vote as again. I told him the second time I was not yet ready. He said to me, "I have both tickets, and if you wish a Chamberlain ticket I give it, and if you wish a Hampton ticket I give it." He pulled out the tickets, but I refused to take any. I turned away from him, went to some colored men, got a Chamberlain ticket from them, went straight up to the box, and while being sworn he, Rhame, came up behind me and seen where I put my ticket. Another man, Mr. Anderson Luckey, said, "Is that fellow gone?" and Mr. Rhame said, "Damn him, he is gone, and, damn him, never mind, I'll do for him."

Q. Did he give you one of those bogus tickets?—A. He offered it, but I did not take it.

Q. The red ticket he offered you—did he not call it a Chamberlain ticket?—A. He did.

Q. Were you turned off by Rhame or not?—A. I was turned off by him; he told me the day he came to take my corn, my fodder, and my hogs, "Prince, if you had done as I wanted you to do, you could have staid at my place as long as you liked; but as you have not done it you must leave."

Q. What was it he meant you had not done?—A. Because I had not voted the democratic ticket, and he was sworn to carry out the oath.

Q. What is that you have around your shoulder?—A. Called a haversack.

Q. What do you carry it for?—A. For the purpose of carrying my provisions in it, as I live twenty-one miles from here.

Q. Is it customary among the colored people to carry haversacks with them when they go from home?—A. It is.

Q. It has been proved, by some of the witnesses for contestant, that on the day of election the colored men went up to the polls with haversacks on, in which they supposed was ammunition; what sort of ammunition do colored people carry in their haversacks?—A. Provisions.

Q. Did you not see colored people on the day of election with their haversacks on?—A. I did; had one myself with provisions in it.

Cross-examination :

Q. The colored men who had haversacks on, who you refer to—were they not at the Lynchburg poll?—A. They were.

Q. The testimony referred to above about the haversacks was in reference to Rafting Creek, where it was also proved that the colored men had arms as well as haversacks; do you know anything about that?—A. I do not.

Q. Lynchburg town, where the polls were held at which you voted on the day of election—is it quite a large or small place?—A. A small place.

Q. Have you been there often?—A. Often, for the past seven years, where I hold my church-membership; go there every Sunday preaching.

Q. From where the polls were held, can you stand there and see all over the town?—A. See all over.

Q. How many people live in Lynchburg?—A. I do not know.

Q. Where were the soldiers stationed that day?—A. In the old field, near the Presbyterian church.

Q. Do you know whether the ticket—I mean the red ticket—which

Mr. Rhame offered you that day was the republican or democratic ticket?—A. I do not.

Q. Was anybody else present when he offered you the ticket?—A. There were several present.

Q. Who were they?—A. I cannot name any.

Q. Were they white or colored people?—A. Both.

Q. Were you in Mr. Rhame's debt?—I was.

Q. Did he take your corn, fodder, and hogs to pay the debt, or did he take them for spite?—A. He never told me yet.

Q. Did he have a lien against you?—A. He had.

Q. Was the lien foreclosed in regular form of law?—A. I cannot tell, but it was foreclosed.

Q. What officer went to your place to foreclose?—A. None; he, Rhame, and Griffin.

Q. Do you know whether Mr. Griffin was the deputy to foreclose said lien?—A. I do not; they did not tell me anything.

PRINCE ^{his} + BRAMBERT.
mark.

Sworn to and subscribed before me this 26th day of March, 1877.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

NED CARTER (colored) sworn.

Question. Do you know Mr. D. E. Keels?—Answer. I do.

Q. What sort of an agreement did you and Joe Carter and others sign with Mr. Keels about voting?—A. I signed none.

Q. Did you agree to any?—A. I never did. I chatted with him a great deal, and did not tell him what I was going to do; tried his best to get me to tell him how I was going to vote. He called meetings twice a week. I promised him to be there, and after I got home refused to go.

Q. Are you a democrat or republican?—A. I was born a radical and expect to die a radical. How can I be a democrat?

Q. I judge from this that you were not intimidated to keep you from voting the democratic ticket?—A. I was not intimidated by republicans, but was intimidated to vote democratic by Mr. Keels, but did not do it.

Q. Joe Carter is your brother; from what you know of him, is he as much of a republican as what you are?—A. He was more anxious for the republicans than I was. Joe was fooled two years ago, but could not be fooled any more.

NED ^{his} + CARTER.
mark.

Signed, sealed, and subscribed before me this 26th day of March, 1877.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

GEORGE H. PATTERSON (colored) sworn.

Question. Where were you on the day of election, and in what capacity?—Answer. As clerk of the board of managers at Stateburg poll.

Q. Were you sworn as clerk or not?—A. I was.

Q. Did you keep the poll-list correctly, and did it tally with the box?—A. I kept it correctly, and it tallied with the list, excepting we found three tickets inclosed in one, or wrapped together.

Q. Do you know Isham Robinson, sr., who has testified for contestant?—A. I know him very well; lives next door to me.

Q. He says in his testimony that persons came to his house, set fire

to his cow-pen on both sides, and pretends that it was done on account of his being a democrat; please state what he has said to you in relation to that matter.—A. He rode to my place on a Sunday morning, hailed me, said, "I came very near being burned out last night." I asked him in what way; to which he replied, he said that him and his wife were in the house, and his dog made a great deal of noise, and his wife ran to the door and she came in, calling him by name, and told him some men had passed his place, making a great deal of noise. He got up, went to the door, and he saw a light on the outside of the fence near the cow-pen, which was on the road; went there immediately and put out the fire. I asked him if he thought anybody had done it intentionally. He said he did not exactly know, but it might have been done accidentally.

Q. Is it not a fact that people on dark nights carry torches?—A. It is customary.

Q. About how many colored people voted democratic at the last election at Stateburg?—A. I am unable to say. A great many said they were going to vote the democratic ticket, but as the tickets were all folded I am unable to say.

Q. Did you hear any threats of burning or violence, &c., on persons for voting the democratic ticket?—A. I did. No one told me they were threatened, but reports were out that if they did not vote the democratic ticket.

Q. Do you know London Sumter, who also testified?—A. I do.

Q. Have you heard of any threats made against him by republicans for being a democrat?—A. I have not. I am very familiar and friendly with him, and heard nothing from him individually, but it was reported in our neighborhood that London Sumter had received a note from the democratic townclub of Sumter that if he continued to be absent from meetings, and if he failed to attend the next democrat meeting his mule and wagon would be taken from him, and he would be found lying alongside of the road on some dark night.

(Objected to that as hearsay.)

Q. How was the election at Stateburg?—A. Very quiet.

Q. Did you see any colored people there with arms?—A. I did not.

Cross-examination:

Q. You say you were very friendly and intimate with London Sumter?—A. I was.

Q. Did he ever mention to you anything in reference to the threat you refer to about taking away his mule and wagon, &c.?—A. He never told me so or mentioned it.

Q. Who administered the oath to you at Stateburg?—A. Dr. Spann, chairman of the board of managers.

Q. What oath did he administer to you?—A. The same that was administered to the managers.

Q. Out of what did he read the oath?—A. He had a printed oath, and the same one he swore to; his own name was signed to the oath, and it was from this one he read the oath to me.

Q. Did he cause the oath to be written off?—A. He did, and I signed before him, as chairman of the board.

Q. No other oath was administered to you but that?—A. This was the only one.

Q. About what proportion of white voters are there in the Stateburg precinct compared to the colored voters?—A. I think there is about 75 white voters in that precinct and nearly 500 colored voters.

Q. Were any guns or pistols stored or stacked in or near the building

in which the polls were held, or fired off during the night or when the counting of the votes were through?—A. I did not see any stacks of guns there; went there in the morning; remained there all day, excepting a few minutes. I was compelled to go out and didn't get through counting of the votes till daylight next morning. I heard some reports of guns fired off next morning after the votes were counted.

Q. What number of reports of guns were fired off?—A. About nine or ten.

Q. What democrats remained there all of the night of the counting?—A. Dr. Spann, Mr. Burgess, Mr. Murray, who kept a separate list of his own; Messrs. Mansfield, McLaurin, and Pinckney. The latter two did not stay all night.

Q. Please state the ones that staid all night, and no others.—A. Dr. Spann, J. Burgess, and Mr. Murray.

Q. Did these three leave the building with you?—A. Dr. Spann and Mr. Murray left ten or fifteen minutes before me. Mr. Burgess and myself remained there for some time.

Q. How late did Mr. McLaurin and Mr. Pinckney remain?—A. Mr. McLaurin came about twelve; left an hour afterward, and Mr. Pinckney left about the same time.

Q. Did either Mr. Burgess, Dr. Spann, or Mr. Murray have any arms?—A. I did not see any on them that day or night.

Q. Please describe how the votes were counted at the Stateburg poll?—A. I kept a list of all the candidates voted for; managers selected ten tickets at a time, and handed them to Dr. Spann, who saw the names on every ticket, and when he got ten straight tickets alike in his hand we would tally them down for every candidate on the straight ticket, either republican or democrat, and the scratched tickets were each called off separately. Dr. Spann, and the only manager, was very careful, as he did not wish to get himself into any trouble, this being his first time he acted as manager.

Q. Were you present in Sumter when the board of county canvassers opened the Stateburg box?—A. I was.

Q. It has been testified to that you sealed up or assisted in sealing up said box after it was opened; is this so?—A. It is not.

Q. Who was United States deputy marshal at Stateburg?—A. I don't know.

Redirect:

Q. You were asked if there was another oath administered to you beside the one you took as clerk; did you vote?—A. I did, and was sworn as a voter at that time also.

Q. When the box was sealed up in the county canvassers' room was there not a good many persons stirring about?—A. There was, and I cannot say who sealed up the box.

GEO. K. PATTERSON.

Sworn to and subscribed to before me this 26th day of March, 1877.
[SEAL.]

FRANK F. TEICHER,
Notary Public.

Major BURT JOHNSTON sworn.

Question. You were an officer in the United States Army during the war; please state the rank you held?—Answer. I was a lieutenant, captain, and major, in the volunteer service.

Q. Since the close of the war where have you resided most of the time?—A. Mostly in Sumter County, part in Darlington, and part in Chesterfield County.

Q. Have you ever held an office under the State government of any sort?—A. I never have and I never aspired to any.

Q. On the day of the last election at what poll were you, and in what capacity were you acting?—A. I acted as supervisor at Johnston's Store.

Q. Who was the clerk of the board of managers?—A. Hampton Cain was acting as such.

Q. Was a poll-list kept?—A. The clerk kept one, I kept one, and think the other supervisor also kept one.

Q. Did you keep yours correctly?—A. I did.

Q. Did yours not correspond correctly with the one kept by the managers' clerk?—A. It did.

Q. Did they not both correspond with the number of folded ballots?—A. They did, as folded up.

Q. What time that morning was the poll opened?—A. At six o'clock, according to my watch and the supervisor's watch, who was also present.

Q. Mr. Cooper, in his testimony for contestant, says that two of the managers absented themselves from the polls for three-quarters of an hour after the closing of the poll, and before the counting began; please make a statement in that regard.—A. Two never left the box. The majority of the managers were always present with the two supervisors. One of the managers did ask permission to go out and get a cup of coffee, before they commenced counting the votes, which permission was granted him, and he went out.

Q. Did that board of managers adjourn at any time after six o'clock in the morning when they began, until six o'clock when the poll closed, and the counting began, until after the statement had been made up?—A. They did not.

Q. How long do you think this manager was gone after the polls had closed?—A. About fifteen minutes.

Q. Did you see the votes counted, and were they counted correctly, and all the candidates got credit for all the votes they were entitled to?—A. They were counted correctly and the candidates got credit for the votes they received.

Q. Do you know Berry Hampton, Fortune York, Isaac James, Minds Peterson; were they intimidated or caused to vote republican against their wishes?—A. Three of them did not vote at all. Isaac James voted, and it was reported to me that the three would be turned off if they voted republican; if they stayed at home nothing would be done to them.

Q. Was the election at Johnston's Store quiet and peaceful; did you see any guns in the hands of colored people?—A. The quietest I ever saw. Did not see any guns in the hands of anybody, white or colored.

Q. Previous to the election, during the campaign, did you not hear of a great many threats that colored people would be turned off for voting the republican ticket?—A. It was a common every day and hour expression.

Q. What effect did the presence of the United States troops have upon colored people causing them to vote republican?—A. None whatever.

Q. If the coming of the troops had any effect at all was it not simply to assure the voters that they could vote as they pleased?—A. It certainly was.

Q. Previous to the coming of the troops was there not great apprehensions on the part of the colored people that there would be trouble on the day of the election?—A. There was, and I speak from my own personal knowledge.

Cross-examination:

Q. When did you move to Sumter to reside?—A. Two or three years

ago. Cannot give the exact date; and have resided at Johnston's Store, in this county, since coming.

Q. The polls at Johnston's Store takes its name from your brother, Capt. T. B. Johnston?—A. It does.

Q. Your brother was a candidate at the last election for presidential elector and member of _____ representatives from this county?—A. He was, and elected.

Q. They put you down as saying that two of the managers never left the box. Do you mean that two of the managers never left at one and the same time?—A. That is what I do mean.

Q. The managers did not proceed at once to count the votes?—A. They did not, as the porch and room was very crowded, and we had to clear the porch and room first before the counting of the votes commenced. This was the only delay.

Q. Were the names of the various candidates on each and every ballot read out, and the votes each received ascertained in that way?—A. They were.

Q. The names on each and every ticket were read out from each and every ticket separately?—A. It was done that way.

BURT JOHNSTON.

Sworn to and subscribed to before me this 26th day of March, 1877.

[SEAL.]

FRANK F. TEICHER,

Notary Public.

JOSEPH KEEN (colored) sworn.

Question. At what poll were you on the day of the last election, and in what capacity?—Answer. As manager at Statesburg poll.

Q. What time did you open the box and what time did you close?—A. Opened at six and closed at six o'clock.

Q. Who was the clerk of the board, and was he sworn as such?—A. Mr. G. H. Patterson was the clerk, and he was sworn as such.

Q. What about colored people having guns there on the day of election?—A. I did not see anybody have a gun on that day.

Q. I think some of the witnesses for contestant have charged that guns were stored in the house the election was held in. Please explain.—A. Nothing of this; it was not so.

Q. Did you hear of any guns being about there?—A. I heard of some in the hands of the white people, or, rather, in a wagon belonging to the white people.

(Objected to as hearsay.)

Q. Was the election peaceful and quiet at your precinct?—A. Remarkably so; heard prominent democrats say that.

Q. On the morning of the election it appears that guns were fired off, did you hear them?—A. I heard reports; sounded like pistol-reports; don't know whether by whites or colored.

Q. How far from where the election was held the day before did the firing take place?—A. About 200 or 300 yards, and was after all the votes were counted.

Q. It appears that you took charge of the box after the election was over; how came you to do so?—A. I brought the box to town, carried the same to my house first to prepare myself to come; Monday Douglas was with me, he being one of the managers.

Q. Did you and Douglas deliver the box to the county canvassers just as you received it?—A. We did deliver the box in the same condition, sealed up without any change or molestation.

Q. Do you know of any instances of harm or molestation to colored men for being democrats?—A. None at all.

Cross-examination:

Q. You say you heard of some guns in a wagon belonging to white people; was the wagon in which it was said the guns were, there in the day or night?—A. In the day.

Q. Did it leave before night?—A. I could not tell; was in the house all the time.

Q. Was it there the next morning when you heard the firing?—A. I did not see any wagon there next morning. I had to get out of the house for a few moments during the election, and saw a wagon in my yard with a rack or open body inclosed with bagging. I did not see whether any guns were there or not, and the next morning I did not notice the wagon there.

Q. Was the ballot-box committed to your care by written order of the board of managers?—A. I don't recollect of any such, and did not receive any written order.

Q. You say that Monday Douglas was the other manager who came with you when you brought the ballot-box?—A. He was.

Q. Are you and he both republicans?—A. We are.

Redirect:

Q. Did not you and Douglas insist upon getting the democratic manager to come to town with the box?—A. We did, and he declined by saying he was tired out.

Q. Did not the board of managers meet down here when the box was opened?—A. We did.

his
JOSEPH + KEENE.
mark.

Sworn to and subscribed to before me this 26th day of March, 1877.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

W. I. ANDREWS (colored) sworn.

Question. On the day of the last general election at what poll were you?—Answer. At Concord.

Q. Previous to the election, how long have you been living in this county?—A. Twenty years.

Q. One I. M. Plowden, that there was four illegal votes for Rainey; please state what you know about these votes?—A. I acted as United States supervisor, myself and Dr. Durant, who acted as the democratic supervisor; remember Mr. Plowden challenging four persons attempted to vote there, one on the ground of not being of age; this raised a question, and the young man's parents, or his uncle, was called upon and testified that he was in his twenty-third year of his age; after that the young man took the oath and voted; don't know how he voted. The other three Plowden challenged their vote, saying that they did not reside in the county for sixty days; they also called on different persons standing by, and proved that they were in the county near three months; they also took the oath and voted. The supervisors were there for the purpose of inspecting the congressional vote in making up the return; we both certified that the votes cast for congressman were legal and properly counted. At Concord, all the votes cast gave satisfaction to both parties by the statement of prominent citizens living in that precinct for many years. The democrats had their committee there often, so I understood from Mr. I. M. Plowden, who told me that he and his committee had been up the whole night and were determined to see things go out correct at that poll; that he was sent there by Col. J. D. Blanding, for the purpose of challenging every vote that he thought in his judgment was not entitled to vote, and after the vote was counted

he told his company to fall in, asked me if I was afraid to come home that night by myself, that he would send some one with me to town. I declined his offer, telling him I was not afraid.

Q. Did the supervisors in any way interfere with the voting or counting of the votes?—A. We did not.

Q. What was the character of the campaign as conducted by the democrats in this county?—A. The hottest campaign I ever experienced. When the democrats opened their campaign in July or August, and from their demonstrations they commenced with myself, with other prominent republicans, thought we would not be able to canvass the county at all, for the spirit of the democrats that existed, as we saw it in the columns of the paper in the up-country, seemed to reach the Sumter citizens in this county; for they had began to give notice through the Watchman and True Southron, informing rifle-clubs and saber-clubs to organize; for what purpose I cannot say, but the republican executive committee began to feel the trouble at the helm, believing the prominent democratic citizens would not do us any harm, but was afraid of some of the other classes of democrats; but after the proclamation of President Grant the democrats changed tactics, and tried to make it appear that everything was peaceable.

Q. Did they have rifle-clubs in this town?—A. I heard of a rifle-club here, also a saber-club, through the newspaper, instructing the rifle-club to reorganize, and also to reorganize saber and rifle clubs throughout the county. This was before the proclamation of President Grant. I saw it stated in the paper that they would not regard the proclamation of the governor.

Q. If there had been a rifle-club here some years ago, had it not been disbanded, or falling into disuse until after the campaign?—A. I did not know of any rifle-club here till I saw it through the columns of the Santee paper.

Q. Please state any instances of violence done to republicans by democratic organizations.—A. On Hampton's demonstration, a large crowd of mounted men, between 500 and 1,000, some with pistols, and also an artillery company from Columbia was here, which paraded through the streets, the artillery firing in the heart of the town at night, creating a great fear among the republicans, both in the country and in town, seeing such crowds of mounted men, and the way they went on, a great number of the republican voters got scared. To keep them from being frightened, our republican executive committee made and gave instructions throughout the county that every republican voter to appear in the town of Santee on the next Saturday, for the purpose of listening to speeches from speakers from abroad, and a large number came to town mounted, as instructed. On the same day a large number of democrats came to town mounted, rode through our ranks two or three times, and the republicans got thoroughly frightened, saying that there was going to be a row. Also our meeting was disturbed once or twice in the courthouse, by the democrats, white and colored. At Bishopville also, we went up there to make a speech, about one hundred mounted democrats were in the town; cursed our men as we passed through, and we were informed that they intended to break up our meeting if we spoke there that day. We went about a half a mile from the village and had our meeting there. I could mention a great many more little incidents.

Q. What threats were made by democrats to keep republicans from voting the republican ticket?—A. The colored people in the county, or three-fourths of them, are poor people, and are depending entirely upon their daily labor for their support, and after the proclamation of the President disbanding the rifle and saber clubs, the next thing brought

to bear upon them, the colored republican voters, was that if they did not join the democratic clubs and vote the democratic ticket, they would not get any employment, nor rent them any land, and would not do them any favors, in any shape or form; these instructions were published in the Sumter paper, coming from the democratic executive committee, and I believe, and would say, emphatically, that it took more effect upon the colored people generally than the rifle or saber clubs. I was informed by reliable persons at every precinct I went to, that this was the topic of their speeches, made by white or colored.

(Object to everything that is hearsay, and opinions.)

Q. Were you not previous to the election engaged in selling fish in the town of Sumter; and what threats were made to yourself?—A. This was my business for ten years—trading in fish, a huckster—and a good many of the best portion of my customers, after those pledges passed not to trade, &c., stopped buying from me. Some of them told me they took a pledge to do so, and could not patronize me unless I joined their party. Personally they had nothing against me, but politically they did.

Q. Did not the formation of the rifle-clubs greatly distress the colored people?—A. I believe it did, particularly the more intelligent colored people, who could read the papers, because there was frequent reports of violence in the papers from rifle-clubs from different parts of the State, and we were afraid would take place here.

(Objected to as hearsay and opinion.)

Q. Did or did not these threats, pledges of the democratic clubs, cause many men who wished to vote republican, vote democratic or stay away entirely?—A. I will say it did, from personal knowledge, from what many have told me themselves.

(Objected to as hearsay.)

Q. How far is it from where the troops were stationed to the polls?—A. About a half of a mile.

Q. How did the coming of the troops here affect colored voters?—A. I will state, if it had any effect at all, it was in the democrats' favor, because they got more colored votes at this poll than they did in all the balance put together, judging by the reception they met with from the democrats on their departure, from the speech made to them by Mr. C. H. Moise, returning them thanks for their presence and telling them that it secured them many more votes.

Q. You have a slip there in your hand; from what paper is it taken?—A. Out of the leading democratic paper of this State, the News and Courier, published in Charleston, and is hereby filed in evidence.

“TROOPS AT LAST.—It is understood that on election-day United States troops will be stationed in the city of Charleston, on John's and James Islands, and at Strawberry Ferry. There will be detachments likewise at Walterborough and Adams Run. Troops are sadly needed at Mount Pleasant, Hardeeville, and on Edisto Island. They have been applied for. The troops already ordered here will certainly insure a free vote at the points where they are stationed, and without them democrats could not have voted at such precincts in the county except at the risk of their lives. We wish that a thousand or two more were coming, but three companies are better than none.”

Q. Two years ago who were the candidates for governor, for member of this congressional district?—A. Chamberlain, the regular republican nominee; Green, the independent candidate, from Sumter.

Q. What ticket in that election did the republicans support in this county?—A. They supported the independent ticket, Green and Lee, owing to the fact that both were very popular and lived in the county.

Q. What paper is this we have in court?—A. The Sumter Watchman of November 2, 1876, a democratic paper of this county.

Q. Is this slip taken from that paper, and published in that issue of that day?—A. It was, and is as follows:

"At the meeting of the Sumter democratic club held Friday, the 27th instant, the following pledge recommended by the executive committee was adopted:

"THE STATE OF SOUTH CAROLINA.

"We, the undersigned, citizens of Sumter County, hereby pledge ourselves (each for himself) that we will not assist or extend any favor to any person of either race or color who shall vote for the republican State or county ticket at the election on 7th November next, and that we will in all business transactions give the preference to such persons as shall vote the democratic State and county ticket at said election."

This notice published appeared weekly in the Watchman, I believe.

Q. Have you examined the paper I hold in my hand? Does it show the number of white votes at each poll, the number of colored votes at each poll, the number of votes cast for Richardson, the number of votes cast for Rainey, the total white vote of the county, the total colored vote of the county, and the total vote for Richardson, the total vote for Rainey, and the white and colored census taken in the county in 1875?

(Objected to this question as being leading in every item.)

A. I have examined careful, and it does.

(Objected to the introduction of the paper, it being without any official sanction, and simply a manuscript statement furnished by counsel for contestee.)

Precincts.	Number of votes cast by white men.	Number of votes cast by colored men.	Number of votes cast for Richard- son.	Number of votes cast for Rainey.
Spring Hill.....	162	104	181	84
Shiloh.....	94	119	95	119
Swimming Pens.....	119	208	168	159
Stateburg.....	79	505	102	482
Sumter, (No. 2).....	219	407	329	295
Sumter, (No. 1).....	209	377	273	306
Rafting Creek.....	86	291	95	281
Privateer.....	14	238	14	238
Providence.....	98	293	102	288
Mayesville.....	95	51	121	22
Manchester.....	50	72	55	67
Lynchburg.....	168	216	186	198
Johnson's Store.....	40	383	39	382
Carter's Crossing.....	91	226	99	216
Concord.....	107	168	128	147
Corbett's Store.....	83	229	95	217
Bishopville.....	211	221	232	198
Wedgefield.....	40	187	75	150
Total.....	1,965	4,295	2,389	3,849

Total white males over twenty-one years by census.....	1,827
Total colored males over twenty-one years by census.....	4,362
Whites over-voted census.....	138
Colored vote fell short of census.....	67

Q. Do you know, or have you heard of any illegal vote for the democrats in this county?—A. I don't know of any personally, but I heard that one Murray De Lorme voted at Spring Hill and at Rafting Creek, and was arrested.

(Objected to as hearsay.)

I would like to state in regard to the bogus red ticket, and also the red slip gotten up with J. S. Richardson's name on it. I think, in my judgment, that Mr. Richardson got a good many more votes in this congressional district than he was really entitled to, owing to the fact that a great many of the colored people could not read or write, these slips being placed in the hands of Mr. Richardson's friends to paste over Mr. Rainey's name, on the regular republican ticket. I reached this conclusion from a copy of a letter that was forwarded to the executive republican committee at Columbia from Chesterfield, written to the Rev. Burrich James, and saying, "I will send you these slips; please get my friends to place them over Mr. Rainey's name; my friends in Sumter will do the same."

Q. Is Marlborough in this congressional district, and is Bennettsville the county-seat of Marlborough County?—A. It is, and the following slip is taken from the Sumter Watchman, of the same date as above:

"On Saturday, the 28th, the republicans held a grand rally at Bennettsville. A large number of mounted democrats were on hand. Hearing that a company of United States troops were coming to town, the mounted democrats rode out and met them two or three miles from the town and escorted them in amidst shouts from the men and troops. The radicals, not wishing to be outdone in this way, went forward to extend the right hand of fellowship, but on approaching the commander were waved aside, and told that of the fifty-eight soldiers present fifty-four were for Tilden and Hendricks."

Cross-examination:

Q. In reference to the slip you referred to just above, is it not a fact that it was published in a paper at Sumter, while Bennettsville is some 70 or 80 miles distant?—A. It is.

Q. Have you not heard D. D. McColl, attorney for J. H. Rainey, in furnishing you with the extract, say that it was not all so, as published in the extract, and still he wanted to prove it?—A. I heard him say that all of it was not so; the republicans did not go out to meet the troops, as well as the democrats.

Q. You are an office-holder in the republican party, are you not?—A. I am a member of the legislature.

Q. How long have you been in office?—A. Since 1872.

Q. Have you been in ever since?—A. I have, and voted for very largely by democrats as well as republicans, previous to the last election, and at the last election a good many democrats told me they voted for me.

Q. Name the democrats who told you that they voted for you at the last election.—A. Jackson Davis, John Gregg, Edward Sliver, Mr. W. H. Cuttino told me they voted for me, and M. B. Mosis said he was going to vote for me. C. M. Hurst and C. H. Moise told me if I just come off the republican ticket they would heartily support me; and Mr. E. W. Moise, T. B. Fraser, and a great many of the leading democrats told me if I would quit the republican party I would meet with a hearty approval and support from them. Col. J. S. Richardson told me in Columbia, in April last, that he hoped I would quit the republican party and join them; that my course had given general satisfaction.

H. MIS. 7—31.

Q. Have any of the above told you, or intimated to you since or immediately before the last election, that they would support you or approve your course, except the four first that you have named?—A. They have not, except Mr. C. H. Moise, who tried to persuade me, in Columbia, to quit the Mackey force and go over to the Wallace force, and stated if I would do that, all the rest of the citizens would approve my course as they done in the past.

Q. Of the four you named above, who, you say, told you they voted for you, how many of them are white and how many colored?—A. Three colored and one white.

Q. You were a candidate, then, at the last general election?—A. I was.

Q. Were you also a United States supervisor, and acted as such at the last election?—A. I was, and did so act at Concord precinct.

Q. You took a very active part for yourself and for J. H. Rainey during the campaign?—A. I did not at Concord on the day of election, but I took an active part during the campaign for the republican ticket.

Q. Have you been employed by J. H. Rainey, the contestee, to look after and work up the case for him?—A. I was not employed as his counsel to work up his case, but Mr. Rainey wrote and asked me to attend the court daily and apprise his counsel of the various witnesses that Mr. Richardson put forth.

Q. During the examination of the witnesses for the contestant, were you not in daily attendance on the court, making suggestions, &c.?—A. I was.

Q. Since the testimony for contestee, have you not also been in daily attendance on the court, making similar suggestions?—A. I was attending court daily, owing to the fact that contestee's counsel was from a distance and not familiar with any of the witnesses.

Q. Have you not furnished contestee's counsel with the names of the witnesses which was to examine for the contestee?—A. Some of the names of the witnesses I furnished contestee's counsel.

Q. Have you not been engaged in hunting up witnesses for the contestee?—A. I have not hunted up any witnesses, only what was asked of me by contestee's counsel to get from the various precincts, to meet the charges alleged by Mr. Richardson in his case, and some others that I know personally that were living in town that were intimidated by the democratic party; I asked them if they would not come to testify.

Q. In doing this, have you not tried to persuade persons to come and testify to matters which they told you they could not testify to truthfully and say what you wanted them to say?—A. I have not, and can take my oath on a stack of Bibles, and your informer tells you a lie; but I know a good many who have told me of personal intimidation to themselves, that they would be willing to give their testimony, but they are poor and are depending entirely on the democrats for their support, and they are afraid to do so. That kind I persuaded to come forward and testify, but only to tell the truth.

Q. Name those who told you they were intimidated, but afraid to come forward and testify?—A. Alfred Brunson, Morris Wilson, told me so.

Q. Are these all that told you they were intimidated and afraid to come and testify?—A. These are all that I can remember in town; one I sent for in the country; he did not come; heard he did not wish to have anything to do so; I have a delicacy in mentioning the names of these people on account of trouble it might bring on them.

Q. Do you say that the one in the country told you he was intimidated?—A. He did not; I heard so.

Q. When were the returns which you and the other supervisors certified to sent; did they ever come to the county board of canvassers?—A. They were sent to the chief supervisors and were not sent to the board of county canvassers; the number of votes for Congressman made out by the supervisors tallied with that of the managers, and the managers' list was put in the ballot-box, and one kept by the democratic committee sent there.

Q. Who kept the supervisors' list at Concord?—A. W. J. Durant.

Q. Did you keep any lists?—A. I did not keep a list.

Q. Did W. J. Durant furnish you with the list kept by him?—A. He did not furnish me with the names, but the number of votes tallied on both lists.

Q. State what it was in the spirit of the campaign when it opened in July or August, or in the papers of our county, or in the congressional district, which made you fearful that you would not be able to canvass the county at all?—A. Seeing through the columns of the Watchman, by the proprietor, A. A. Gilbert, asking the citizens of Sumter County what was the matter; are they going to have another war of 1860; that he could hear democrats drilling constantly next to his office, and also seen through the columns of the True Southron, advising the democratic party throughout the county to organize the rifle and saber clubs; and also from the speeches I have seen published from some of the prominent democratic leaders in this county and over the State, saying that they ask the colored people to come and vote with them; if they did not do so, they would regret it, and also hearing the democrats arguing daily on the streets that they intended to carry this election at any rate; also hearing some of them say that if they could get rid of the republican leaders they would be able to carry this county by an overwhelming majority; also seeing a statement of Col. J. D. Blanding, the chairman of the democratic executive committee, pledging this county to the democratic party by 500 majority. We did not know by what means they could reduce 2,500 majority to a minority of 500, excepting using violence; that's the reason the republican executive committee were afraid to open the campaign; and after the democrats changed their tactics we commenced to open the campaign, about three weeks before the election.

Q. Was the Sumter Watchman, the paper to which you refer as seeing the notice in which alarmed you, the organ, at the time, of the democratic party or not?—A. It has always been, and now is, a democratic paper, and had the largest circulation of any paper in the county, but the proprietor of the paper was in favor of the renomination of D. H. Chamberlain, and after Hampton was nominated, he yet claimed that Chamberlain, if received the nomination, should be supported by his paper. The pressure of the democratic party was so strong, and the party line, that he sold his paper out. The above I give from what I heard, and seen it in the columns of his paper, the Watchman.

Q. You have not answered my question. I asked you, and now repeat, was the Sumter Watchman, in July and August last, the time you refer to, the acknowledged organ of the democratic party in this county?—A. It was as much the organ of the democrats as any other paper published in the county, only it was edited by a gentleman who would not slander any citizen on account of prejudice, and for that reason he did not please the majority of the democratic party, and was compelled

to sell out, because he did not wish to join any other party but the democratic party, as he always was one.

Q. Did not the democrats buy out the Sumter Watchman from Mr. Gilbert; and, if so, when did they do it?—A. They did, when they found out that he was determined to support D. H. Chamberlain if he received the republican nomination; and when the republican convention met in Columbia, some time in September last, and they found out that Chamberlain was going to receive the republican nomination, they bought him out the second day after the convention met. I think the nominating convention met in September or October last.

Q. How many men did you see with pistols on the day of Hampton's demonstration?—A. The number I saw about twenty-five; they rode up to my fruit-stand, and all of them had pistols; saw their weapons when they put away into their pockets the fruit bought.

Q. Were the pistols concealed or worn privately?—A. They had belts around them and the pistols could be seen.

Q. You stated in your examination-in-chief that seeing the way the mounted men went on, &c.; what way did they go on?—A. Riding, and yelling in the street, abusing republicans, firing off cannon.

Q. From your testimony-in-chief it seems that just at the time that the democrats were making all this demonstration, the executive committee of the republican party desired to meet the democrats by a counter demonstration, and you state that they did, for such purpose, call a mass meeting of the republicans on the following Saturday after Hampton's demonstration. Now, if they did this then and for the purpose you swear they did it for, how can you also swear that the republicans were afraid that they would not be allowed to even canvass the county?—A. I stated in my examination-in-chief that after the proclamation of President Grant, that the democrats had changed their tactics, and from the speeches made here the day of the Hampton demonstration gave the republicans more satisfaction that they would not be injured. But the great many of the county people were thoroughly frightened, and we called that meeting for the purpose of opening the campaign in this county, no matter what the consequences might be.

Q. The Hampton demonstration was on the 6th or 7th day of October, as has been proved; the proclamation of the President to which you refer was not issued until the 17th day of October. Now, how is it possible that the republicans on the day of, or during the week which followed, Hampton's demonstration should be encouraged or emboldened, as you say they were, by the President's proclamation disbanding the rifle-clubs, when the said proclamation was not issued until ten days after Hampton's demonstration?—A. From what I heard at the speeches made at the Hampton demonstration, and from some of the republicans of the executive committee being present, denouncing the proclamation made, advising the citizens not to use any rash means, we made up our minds to canvass the county, while yet some of us felt that trouble was yet ahead of us.

Q. You must be excited; I do not think you have given an answer to the question I have asked. You say in your answer to interrogatories-in-chief that it was in consequence of what was done on the day of Hampton's demonstration and "to keep the republicans from being frightened" that the republican executive committee called a counter demonstration on the Saturday following Hampton's demonstration; is that correct?—A. I am not excited; the question propounded was of a compound nature. I would like to say in answering the question, that in

my examination-in-chief I alluded to what was done on Hampton's day and previously.

Q. Did you not say, in answer to interrogatories-in-chief, "A large crowd of mounted men, between 500 and 1,000, some with pistols, and also an artillery company from Columbia, paraded through the streets, creating a great fear among the republicans both in the county and in town;" seeing such crowd of mounted men and the way they went on, a great number of the republican voters got scared; to keep them from being frightened our republican executive committee gave instructions throughout the county that every republican voter to appear in the town of Sumter on the next Saturday," &c.; did you not say that?—A. I did, and say so now.

Q. When was it decided upon by the republican executive committee to call the republican mass meeting at Sumter, which you refer to?—A. If I mistake not it was the very day, or the same evening.

Q. Was or was not the Rev. W. E. Johnston the chairman at that time of the republican executive committee of this county?—A. He was; he was made chairman, but never attended but very few of the meetings; was a candidate for no office.

Q. By referring to the testimony of Rev. W. E. Johnston, senator from this county, it will be seen that he swore that "four days before the democratic demonstration, when Gen. Wade Hampton and others spoke here, I issued a call for the republican demonstration to follow the Saturday after the Hampton demonstration;" if this call was issued as stated, four days previous to the Hampton demonstration, how can you say it was issued in consequence of what occurred that day and to allay the fears then excited?—A. I am not governed by what the Rev. W. E. Johnston, the senator from this county, has sworn to, but governed by the oath I took in giving my testimony according to my own impressions.

Q. You have stated that on the day of the republican mass meeting that mounted democrats rode through the ranks of the republicans two or three times; state where the ranks were ridden through, and by whom.—A. At corner of Republican and Main streets, and at the corner of Main and Liberty streets, in Sumter, S. C.

Q. How many mounted democrats rode through the lines at the corner of Main and Liberty streets?—A. I cannot say exactly how many, but I saw a good number go through the line.

Q. Was the republican meeting held that day, disturbed at all by democrats?—A. Only by questions from Ed. Shiver, a colored democrat, who asked two or three questions, and was then requested to leave, which he did; also by the report of cannon which were fired off by the democratic party.

Q. Did not the democrats also hold a meeting in the town of Sumter on that day?—A. They did.

Q. Where was cannon being fired, and how far from your meeting?—A. The cannons were fired from Academy Green, where the democrats were holding their meeting, and about 200 yards from where we held our meeting.

Q. You say in your answer to examination-in-chief that at Bishopville you were informed that mounted democrats intended to break up your meeting if you spoke there that day; who informed you?—A. A crowd of colored men met us before we got to Bishopville and told us the democrats were mounted there that day and threatened not to let us speak under the oak, where we always spoke.

Q. Was the meeting you held that day disturbed or not?—A. It was not.

Q. Who of your patrons told you that they had taken a pledge and could not patronize you unless you join the party?—A. A. J. Moses, Blake Steedman, N. Yeadon. Rev. D. McQueen heard him state in my presence that if those fin fish were radical Bill Andrews fish he could not buy them, saying that we had taken a pledge not to patronize the radicals. Colonel Seabrook told me words to that effect.

Q. Where are Mr. Blake Steedman and N. Yeadon living now?—A. They moved away from Sumter and out of the congressional district.

Q. Is not Mr. A. J. Moses on his sick-bed and dangerously ill?—A. I heard so.

Q. Rev. D. McQueen is a minister, and do you not know that he is not now and never has been a member of any democratic club?—A. I cannot say; he was an outspoken democrat on the street.

Q. Can you read and write?—A. I can.

Q. Were you a constant reader of the papers published during the campaign?—A. I was; take two or three papers.

Q. Do you not know who asked that the troops should be sent to this county?—A. I do not; it was brought up once in the republican executive committee; the majority of the committee thought there was no need for any, and it was postponed.

Q. Who supported the regular republican nomination in this county at the election in 1874; the republicans or democrats?—A. Supported by neither.

Q. How many votes did Chamberlain get in that election?—A. I think between 700 and 800.

Q. Who gave him, in your judgment, that vote, the colored or white people, the regular republicans or the democrats?—A. I believe he got it from the regular republicans.

Q. You have stated that the notice published in the Watchman, in its issue of the 2d of November, appeared weekly in the Watchman; I refer to the notice proved in your testimony-in-chief; why would they publish a notice of that kind after the election had closed?—A. It appeared weekly and frequently; don't mean to say that this issue was the first it appeared in, but did not see after the election was over.

Q. The notice referred to seems to say that it was not adopted until Friday, the 27th day of October, and yet do you say it appeared before it was adopted?—A. I cannot say when it was adopted; I remember seeing it in the Watchman, recommended by the democratic executive committee for adoption by the county clubs.

Q. When you speak of the letter you referred to as having been written to Rev. Barrett James, with whose contents you seem so familiar, will you please state whether or not it did not also contain an expression equivalent to this: That a number of republicans in Sumter County were going to vote for the contestant, and it was believed that others in the congressional district would do so also if they had the opportunity, and that the slips were sent to afford them the opportunity.—A. I don't remember all the exact wording of the letter, but would be very glad if a copy of it could be filed with this testimony to show for itself.

Redirect:

Q. Did you see any of the slips with J. S. Richardson's name on them?—A. I did.

Q. Were they not printed on thin paper with red ink, of a very small type?—A. They were; and after being placed upon the tickets, the ones

not able to read or write could not tell the difference whether any alterations were made or not.

W. J. ANDREWS.

Sworn to and subscribed to before me this 27th day of March, 1877.

[SEAL.]

FRANK F. TEICHER,

Notary Public.

CYRUS SKINNER (colored) sworn.

Q. At what poll in this county were you at the last election, and in what capacity?—A. A manager at Rafting Creek.

Q. What time did the poll open that morning?—A. At six o'clock.

Q. Who were the other two managers?—A. Henderson Reynolds and T. B. Sanders, the latter being the democratic manager.

Q. Were all three present when the polls opened at six o'clock?—A. We were all present except Reynolds, who was five minutes behind time.

Q. What about the holes in the box; how many were there?—A. The box had two holes, and I took a piece of paper and stopped it up securely; this was before the polls opened; I intended to seal it up, but Mr. Sanders said that the paper in it would do just as well.

Q. Were all the votes put through the open hole?—A. They were. I always kept my hand on the one previously closed.

Q. How large was the hole in that box the ballots passed through?—A. Large enough to admit of one ticket, if doubled closely; we did find two, when we opened the box, doubled together, in one instance.

Q. After you opened the polls, how long after you closed them?—A. We kept the polls open from six to six, without any interruption.

Q. In addition to the three managers, were there any supervisors present?—A. They were; McLaurin, for the democrats, and Hunter, for the republicans.

Q. What time did McLaurin get to the polls?—A. Not until after the sun was up and the election going on.

Q. How many times during the day did you leave the box?—A. Did not leave but once during the whole of the election, and was obliged then to leave to urinate; was gone about two minutes around the house.

Q. While you were gone who did you leave in charge of the box?—A. The supervisors and the other two managers; and they were there when I came back.

Q. Whenever one of the other managers had to absent himself for similar reasons, how many would remain?—A. Two always remained at the box.

Q. Did you managers, during that day, leave the box in the care of any outside person?—A. We did not.

Q. Please state what part you took in the management of that election-poll?—A. After I stopped up the hole, I placed my hand over the hole thus closed, and as Mr. Sanders would swear the voters, and as they would put the ballots in the open hole, I would shove them down with my knife.

Q. Who was clerk of your board?—A. Mr. Marion Sanders.

Q. Was he sworn as clerk?—A. He was, by T. B. Sanders, the chairman.

Q. After Sanders was called off, who kept the poll-list?—A. Mr. Jennings; this was about three or four o'clock in the evening.

Q. Jennings; was he a democrat or republican?—A. A democrat.

Q. Was the poll-list kept correctly; and how did it tally with the

votes?—A. It was kept correctly, and tallied with the votes exactly, when folded up.

Q. What went with those two ballots that were found there folded together?—A. They tore up the republican and counted the democratic.

Q. Did you see, on the day of election, any little red strips with the name of Mr. Richardson on them?—A. They came there in an envelope; were placed by Mr. Sanders, the democratic manager, on the table, and proposed to the other managers to paste them over the name of J. H. Rainey, to which I objected, saying, there is two horses in the field running, and if you keep one back it would not be fair; let them both run fair; if anybody wishes to vote for Mr. Richardson, they can put on the strip themselves, or have it done; the strips were left on the table.

Q. Did the republicans when they came up to vote have this red strip put on their tickets?—A. They did not; nobody had it done.

Q. Did any votes go in that box that was not placed in there by a voter as his ballot?—A. Not a one.

Q. How were the votes counted that day?—A. We cleared a big place on the floor, opened the box and turned the tickets out. I then took and unfolded each ticket, placed into the hand of Mr. Sanders, the democratic manager, who read off every name and give every candidate all the votes he got.

Q. Did not the managers of the election examine every ticket carefully, that the strip with J. S. Richardson's name on it might not be on the ticket?—A. Yes; we did examine every one carefully.

Q. Did you find any republican tickets with Mr. Richardson's name pasted over Mr. Rainey's?—A. Not one.

Q. It has been charged by some of the witnesses for contestant that some colored republicans came near the polls, say 100 yards, with guns, &c.; please state what you know about it.—A. I did not see a gun that day, nor did I hear of any; and heard Dr. H. J. McLaurin and T. B. Sanders say that this was the quietest and most peaceful election that they ever seen; Sanders saying that he expected to see trouble before he came there.

Q. They say that some of the colored people came there with their haversacks on, said to contain ammunition; please tell me something about these haversacks.—A. Ammunition no one can do without; it was a lunch we cannot do without, and the colored people are all in the habit of carrying their lunch in the haversack. I saw the haversacks, and to find out what was in them I asked them for some lunch and got it.

Cross-examination:

Q. Who was the deputy United States marshal at your poll?—A. Mr. Gray.

Q. Was he a republican or democrat?—A. Unable to say what he was; think he was a republican; was a colored man.

Q. Did you see Zack Walker that day?—A. I did.

Q. Where was he most of the time during the morning and forenoon that day?—A. He was out among the men talking.

Q. Was Mr. Jennings sworn when he acted as clerk?—A. He was.

Q. How was it managed about the two tickets that came out doubled together?—A. They put the tickets behind the back, and the one taken a-hold of first was destroyed.

Q. Tell me how they examined every ticket to see if J. S. Richardson's name was pasted over Rainey's name?—A. That as I took out the ticket I examined it and handed it to Mr. T. B. Sanders, and he examined it to see if J. S. Richardson's name was over Rainey's.

Q. You have said in your answer to interrogatories-in-chief that every name on every ticket was read off by the democratic manager, Mr. T. B. Sanders. If that was so, why did you and he both examine the ticket to see if Richardson's name was over Rainey's?—A. We did it because we thought we might overlooked the name, and we were both very particular.

Q. Did you hear any guns fired off, or see any in the hands of any person that night after the polls closed?—A. I did not.

Q. What time was it when you got through counting the votes?—A. About half past eight o'clock that night.

Q. Do you remember how many votes were polled at Rafting Creek, altogether?—A. I do not remember; kept no list.

Q. Were there as many as 350?—A. I cannot remember exactly; between 300 and 400.

Q. There are thirty names voted for on each unscratched republican and democratic ticket, and do you say that every name on every ticket polled there on that day was read out by Mr. Sanders, and credit given for the vote between six o'clock, when the polls closed, and half past eight, when you got through counting?—A. It was done.

Re direct:

Q. During the day did every one wishing to vote have plenty time to vote at your poll?—A. Had plenty time to vote, and sometimes for three-quarters of an hour no one would come to vote, especially in the morning just after opening the poll.

Q. Do you know Murray DeLorme?—A. I do know him, and think he lives in town; have seen him here to-day.

Q. Did he vote at your precinct, and what ticket did you vote?—A. Voted at Rafting Creek; the democratic ticket.

CYRUS ^{his} + SKINNER.
mark.

Sworn to and subscribed to before me this 27th day of March, 1877.
[SEAL.]

FRANK F. TEICHER,
Notary Public.

HENDERSON REYNOLDS, (colored,) sworn:

Question. Where were you on the day of election, and in what capacity acting?—Answer. As manager at Rafting Creek.

Q. What time did you get to the polls that morning?—A. Five minutes after six. The other managers had opened the polls when I got there.

Q. Who was the clerk of your board?—A. Marion Sanders.

Q. Was he sworn as clerk, and by whom?—A. He was sworn as clerk by T. P. Sanders, chairman of the board of managers.

Q. How many holes were in the top of the box?—A. One was securely stopped up with paper; the other left open.

Q. Did you all adjourn during the day?—A. We did not; kept the polls open all day until 6 o'clock in the evening.

Q. How many times during the day did you leave the polls?—A. I left once, and remained about four minutes.

Q. Who did you leave there?—A. The rest of the managers and the supervisor in charge, and found them there in charge upon returning.

Q. Mention the names of the supervisors.—A. Emanuel Hunter and Dr. H. J. McLaurin.

Q. During the whole of that day how many of the managers would leave the box at one time?—A. Only one left at a time.

Q. During that day was that box left in charge of Reuben Dennis?—
A. It was not left in charge of Reuben Dennis, but it was left in charge of the other managers. Reuben Dennis was there, but the box was not left in his charge.

Q. In counting the votes, were the managers careful, in examining the ballots, to give to everybody all the votes he got; were all the tickets examined and counted over, and did not Mr. Richardson get credit for every vote he received at that poll?—A. They were. All the tickets were carefully examined, and Mr. Richardson got credit for every vote he had in the box.

Q. It has been charged by witnesses for the contestant that colored people came armed with guns to the polls, and stacked them near there. Did you see any arms, &c.?—A. I did not see any and did not hear of any.

Q. It was further charged that they came with haversacks, supposed to contain ammunition. Please explain.—A. I saw haversacks, but nothing was in it but provisions. It is customary for colored people to carry them for that purpose. I very often carry one myself.

Q. Do you know Mr. Sanders's wife?—A. I do.

Q. Dr. Rembert said he was called to see her on the day of election, and I believe stated that she was about to miscarry, and said he attributed this to seeing colored men with guns. Please state what you know about her sickness.—A. I don't know anything about her myself, but I heard that she was suddenly taken sick that day, and Sanders had to be sent for.

Q. This one you speak of now—Moore Sanders—is a republican?—
A. He calls himself so, but voted the democratic ticket that day.

(All leading questions objected to and all answers based upon hearsay.)

Cross-examination :

Q. You were one of the republican managers of election at Rafting Creek poll on the day of the last general election, were you not?—A. I was.

HENDERSON REYNOLDS.

Sworn to and subscribed to before me this 27th day of March, 1877.
[SEAL.]

FRANK F. TEICHER,
Notary Public.

REUBEN DENNIS, (colored,) sworn.

Question. At what poll were you on the day of the last election?—
Answer. At Rafting Creek poll.

Q. You went there simply as a voter?—A. I did; but three or four days before the election the democrats and republicans each furnished four men for the purpose of keeping the peace, and I was one of the police.

Q. It has been charged by H. J. McLaurin that at one time during the day the ballot-box was left in your charge. State how this happened.—A. It was not left in my charge, nor did I have anything to do with it.

Q. Did the managers keep the polls open all day?—A. They kept it open all day, from 6 o'clock in the morning until 6 o'clock that night. Did not adjourn until all the votes had been counted—between 8 and 9 that evening.

Q. Did you notice that day, when one of the managers left, who kept the box in charge?—A. The other managers. When Skinner went out

the others remained in charge, and when he came back Reynolds went out for a few minutes.

Q. It has been charged in this case that colored people came armed to the polls, &c. Have you seen any?—A. I have not; nor did I hear of any, and no other man who staid in the town could say he saw any. I staid in the house all day. In this I allude to the managers.

Q. Where did McLaurin and Rembert stay?—A. They staid in the house all day. Rembert was staying there nearly a week.

Q. I suppose he went to attend that woman?—A. He was sent for, but did not go. Said he could not go.

Q. When did Dr. Rembert go to see that sick woman?—A. After the polls had been closed.

Q. Did you see or hear anything of intimidation?—A. No; every one voted according to his own notion.

(All the leading questions objected to and all answers based upon opinion and hearsay.)

Cross-examination :

Q. Did the clerk of the board leave the polls that day?—A. Not that I know of.

Q. Who was the clerk of the board?—A. Henderson Reynolds, and Marion Sanders did the writing.

Q. Do you say that neither left the polls that day?—A. Marion Sanders left to go to his wife and Jennings took his place.

Q. Then it seems that Jennings was acting as clerk, too?—A. He acted as clerk after he was sworn, and he acted as such until Sanders returned.

Q. What do you mean by Henderson Reynolds did the writing?—A. Was he not one of the clerks?

Q. What was Zach. Walker that day?—A. I am unable to tell you.
REUBEN DENNIS.

Sworn to and subscribed to before me this 27th day of March, 1877.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

CYRUS SKINNER, recalled.

Question. Did you see Andrew Smith vote at Rafting Creek that day?—Answer. I did, and he voted the republican ticket.

Q. With whom did he live last year?—A. Dr. E. J. Rembert.

Q. How long have you known Smith?—A. Last April.

Q. Dr. Rembert says that Smith was intimidated to vote the republican ticket; he intended to vote the democratic ticket?—A. He was not. When Smith came up to vote, Sanders, the clerk, said, "Who are you?" in a loud voice. He answers "Andrew Smith;" and Dr. Rembert, sitting near by, asked, "Who is that going to vote now?" The clerk replied, "Andrew Smith." Dr. Rembert said, "I challenge that vote." I then replied, "Doctor, is it possible that you don't know a man staying with you?" and he looked out and said, "O, yes, that is Andrew;" and remarked to Andrew, "I thought you were going to vote with me;" and Andrew said, "No, doctor; I cannot vote with you; you have been after me to vote with you, but I never given you any consent, and I am going to vote just as I have been voting."

Q. Did Andrew Smith look as if he was intimidated?—A. He did not. There were but few present when he voted.

Q. Did you not turn off from voting two men that were weak-

minded?—A. They were turned off. T. B. Sanders turned him off, and they were not allowed to vote.

CYRUS ^{his} + SKINNER.
mark.

Sworn to and subscribed to before me this 5th day of March, 1877.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

DANIEL WILEY (colored) sworn.

Question. Where were you on the day of the last general election, and in what capacity?—Answer. As deputy marshal at Edgefield poll.

Q. What time did you get to the poll that morning?—A. About 6 o'clock that morning.

Q. Who were the managers at that poll?—A. Mr. Singleton, Moore, and Gaymon; McLaurin as clerk.

Q. Was McLaurin, the clerk, a republican or democrat?—A. A democrat.

Q. Were you present when they closed the polls to count?—A. I was.

Q. How did the poll-list kept correspond with the number of polls kept in the box?—A. Corresponded precisely.

Q. Mansfield McLaurin, in his testimony for contestant, states that he heard "that arms were at the poll under the control of the colored people;" you were there as marshal, state how it was?—A. I was there, and if any arms were there I did not see them nor hear of any. I went about the place and did not see as much as a pocket pistol.

Q. Did not everything look quiet and peaceful?—A. It did. After the counting of the votes, Mr. Moore, the democratic manager, myself, and Mr. Singleton came to the conclusion that it was the quietest and most peaceful election we had ever seen.

Q. Did you hear or know of any threats of violence or anything of the sort by colored people against colored democrats?—A. I never heard a word of anything of the sort.

Q. What effect did the bringing of the troops have upon the colored people in this county?—A. Not any.

Cross-examination :

Q. What ticket did you vote that day?—A. The republican ticket.

Q. I presume you are a republican, then?—A. I am.

Q. And you say you were the United States deputy marshal appointed for the precinct?—A. I was.

Q. Was any other deputy marshal there?—A. No, sir.

DANIEL WILEY.

Sworn to and subscribed before me this 27th day of March, 1877.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

JOSEPH DE LORMS (colored) sworn.

Question. How long have you been a citizen of this county?—A. All my life.

Q. Do you know Elmore Durant, a colored democrat, who testified in this case for Mr. Richardson?—A. I do.

Q. How far does he live from you?—A. Last fall about half a mile above my place.

Q. He says that his wife was induced to quit him on account of his democratic politics. Tell me what you know about it.—A. The first I

heard about it came from his father-in-law, who told me that Elmore had beat his daughter severely, not having done what he ordered her to do. The next I heard of it was from Elmore Durant; he told me his wife quit him, but did not say that she quit him on account of his political course pursued, and that she had left him to return no more, as this had been the second or third time that she had left.

(Objected to the above as hearsay.)

Q. Please tell me what you know about threats made by the democrats to keep colored men from voting the republican ticket.—A. At the opening of the campaign it was said to me and others that colored people could not get any help or could expect any if they, the colored people, continue to vote the republican ticket. It was so expressed daily that it was so all over the county; and democrats told me themselves that the colored people could not stay on their places if they continued to vote against them; and on the streets I heard that violence was threatened against colored men continuing to vote republican, until the arrival of the troops; after that time they argued the matter not so violent, but in a milder form; so much so that I stated myself to one or two democrats if they had pursued that course at first they would have gained more colored votes. I saw up to that time, and afterwards, colored people daily who said they were threatened to be turned off their places on that account, and the sheriff of the county told me that he had in his possession lands plenty for all the ones turned off to settle upon it. I told this to those who came to me about being turned off. On the day of election one of the leading democrats stated to a great many people if the republican ticket was elected there would not be any peace for the State, and that there were but two alternatives if Chamberlain was elected, and this was, first starvation, or revolution. The argument was so strong that I said to the gentleman that I would prefer living in Liberia, or in Africa amongst the barbarians, than to be amongst them here; and he replied that the only difference between the two is that the one out there would eat you, and these here would not. As for himself, he did not want to see anything but peace in the State, but if Chamberlain is elected that there would not be any peace as long as he is governor; also he stated that there was a thousand men in the State that would not be willing to give sleep to their eyes until Chamberlain was dead. This gentleman is E. W. Moise, who was running for adjutant and inspector-general on the democratic ticket.

Q. State what you can in relation to the parades and demonstrations of the democrats?—A. Nothing that I heard expressed on the day of the parade. I understood that they intended to have these parades all over the State until the election. The feeling was very bitter on both sides, and, to a great extent, the colored people throughout the county were afraid to do what they wished to, and some joined the democratic clubs against their wishes.

Q. Please state as well as you can, what caused these men to join these clubs against their wishes?—A. A great many expressed themselves to me that they were in such a situation that they had to join these clubs whether they would vote the democratic ticket or not; some being threatened of being turned out of doors, others with not being furnished with supplies, &c.

Q. Please state what you heard Mr. E. W. Moise say in relation to the coming of the troops.—A. In the same talk I had with Mr. E. W. Moise, he stated what he had against Mr. Chamberlain and the party; one objection was the sending for the troops. I asked Mr. Moise then, did he not think that the troops done good by being here and in the

State, to which he replied, "I did not think so at first, but now I am glad that they are here." I also asked him if he did not think that the presence of troops here saved a good many lives. He said to me he did not know whether they saved lives or not, but he was glad they were in the county.

Q. Previous to the coming of the troops here were not the colored people apprehensive of trouble?—A. They were. The republicans had a meeting some time after the first large democratic meeting; it was not known by many that the democrats was going to turn out on the day that the republicans was going to have their meeting. The democrats did turn out on that day, and tried by actions to get into a collision with republicans. The colored people were frightened all over the county; they could hear threats of violence, stating that the democrats intended to carry this county if it took blood to do it.

Q. From your testimony I infer that after the coming of the troops here, the democrats became more moderate?—A. They did, so much so that I remarked this to a prominent democrat, and told him if I found him so the next two years I would go to the polls and vote with him.

Q. What effect did the coming of the few troops have upon the colored voters?—A. The democrats stated they did not care if the troops were here, as they were democrats themselves. I don't think that it had any material effect upon the colored people, because the colored people did not have any particular confidence in the troops.

(Object to any further answers from this witness upon this point unless the questions or suggestions from counsel for contestee which induces further answer is also put down.)

Q. In your answer to the last question, I suggested to you, seeing that you did not understand the import of the question, to state whether the troops caused colored people to vote republican against their wishes or to vote democratic against their wishes, when objection was entered; therefore I will have to ask you the question more directly, so please state what effect did the bringing of the troops have upon the colored voters?—A. It did not have any effect nor change any votes.

Cross-examination.

Q. Are you a republican?—A. I am.

Q. Have you ever held an office or position in the republican party?—A. I have not.

Q. Where do you live?—A. Two miles from here.

Q. How does it come that you have been thrown in contact or communication with such a very large number of people as you state?—A. One reason is, I do a great deal of trading and shopping, by bringing to town what I have for sale off my farm; and that road I travel is a public road, and I meet them going and coming, and questioned all the ones I believed to be republicans; sometimes I struck up with a democrat, and we also would enter into conversation, and especially more or less during the campaign. Very large crowds gathered in town on Saturdays, and I often made it my business as a republican to be here in town and to keep myself posted; doing so, I often met a great many people of both parties.

Q. Were you a member of the Brotherhood Society, and did you hold any office?—A. I was; held the office of director in it. The branch of Brotherhood I belonged to was located in Sumter, and it soon disbanded.

Q. Were you ever a member of the Union League?—A. I was, six or eight years ago.

Q. During the campaign did you go over the county?—A. I did not.

Q. In your answer you state the Democrats told you the colored peo-

ple could not stay on their places if they continued to vote against them. Please give the names of the democrats that so told?—A. One person was Mr. Samuel Early; do not remember any other names.

Q. You state that on the street you heard that violence was threatened against colored men. Who did you hear it from?—A. From colored people; cannot give their names. I did hear indirectly that violence was threatened by democrats on the street. This was brought to my notice by colored republicans.

Q. State what you mean when you say the democrats tried, by actions, to get into a collision with the republicans on the day of the republican and democratic demonstration?—A. What it means is, when the republicans marched in procession they would break through the ranks repeatedly.

Q. State how many times?—A. Twice to my knowledge; heard of more.

Q. Where was it that the democrats rode through the republican procession on each of the occasions you say you saw?—A. It was on one day that they rode through twice; once at corner at Liberty and Main streets, and the next at Liberty and Washington, at the Academy Green.

Q. Where was it that the democrats held their meeting and made their speeches on that day?—A. I heard that they held it at Academy Green.

Q. Where was it the republicans had theirs?—A. I did hear that they gathered at the school-house, and the procession started from there; and when the parade was over, the republicans held their meeting back of the court-house.

Q. Where did you join the procession?—A. At corner of Main street and Liberty.

Q. How many democrats rode through the republican procession at the corner of Main and Liberty streets?—A. I could not say how many.

Q. How many rode through at the corner of Liberty and Washington streets?—A. I could not say how many.

Q. Do you not know that there were but two rode through at the corner of Main and Liberty streets?—A. I do not know.

Q. Do you not know that there was not more than one or two at the corner of Liberty and Washington?—A. I saw some crossing; could not tell how many.

Q. Did you ever yourself hear any threats of violence from the democrats, or anything which intimated that they would carry the county if it took blood to do it?—A. I did not.

Redirect:

Q. I wish you state whether the Brotherhood societies are political or not?—A. They are not. The reason why I joined the Brotherhood was—some said it was for political purposes, others not, and I joined it on the ground of prevent any politics coming into it.

Q. On the day of the republican mass-meeting were not a great many on foot in the procession?—A. A great many; the larger number were on foot.

Q. How about the democratic assemblage that day?—A. Mostly on horseback. I heard it rumored that the democratic assemblage intended to break up our meeting on that day.

his
JOE + DELORME.
mark.

Sworn to and subscribed to before me this 28th day of March, 1877.
[SEAL.]

FRANK F. TEICHER,
Notary Public.

RICHARD GAYMAN (colored) sworn.

Question. Where were you on the day of the last general election, and in what capacity?—Answer. As a manager at Mayesville poll.

Q. Who acted as clerk at that poll that day?—A. Mr. Mansfield McLaurin.

Q. Is he a democrat or republican?—A. Believe him to be a democrat; he voted that ticket.

Q. Did he keep the poll-list?—A. He did, and kept it correctly.

Q. How did your poll-list correspond with the number of ballots in the box at the close of the election?—A. They corresponded exactly.

Q. Did or did not the clerk take down the name of every voter as he was sworn, and before he voted?—A. He did.

Q. After the polls were closed, and in counting the votes, did the democratic and republican managers examine very closely all the votes to see what names were on the same?—A. Both did.

Q. In examining these votes, how many red democratic tickets were found?—A. I think five were found.

Q. Did you credit all the candidates in the counting of the votes, every vote that they got?—A. We did.

Q. Were not, in addition to the managers, two supervisors present who scrutinized the election?—A. They were.

Q. I saw from examining the vote at Mayesville that as many as thirty-five colored persons voted the democratic ticket; do you know of any offer of violence to colored men for voting that ticket?—A. I did not.

Q. Did you see any guns at or near the polls?—A. I did not see any, nor heard of any.

Q. After the election was over, and all the votes counted, did you hear any guns fired?—A. I heard what I took to be a pistol.

Q. About how near to where you held the election was it, and who fired it?—A. The distance is about fifty yards. I was out on the street at the time; don't know who fired it, whether it was a democrat or republican, white or colored man; it was very dark at the time.

Q. Were the colored people of your section of the county threatened with being turned off, if they voted the republican ticket?—A. I did not hear of any threats.

his
RICHARD × GAYMAN.
mark.

Sworn to and subscribed to before me this 28th day of March, 1877.

[SEAL.]

FRANK F. TEICHER,

Notary Public.

Col. T. B. JOHNSTON sworn.

Question. In the last campaign you were a candidate on the republican ticket for presidential elector?—Answer. I was.

Q. What was the character of the campaign as carried on by the democrats?—A. It was conducted in a very exciting manner, and was warm on both sides.

Q. During the campaign, especially the first part of it, did you not observe on the part of the democrats a tendency to violence, and especially exhibitions of violence?—A. I did, at the first more so than at the latter.

Q. Did you not hear it commonly talked that rifle-clubs were forming all over the State?—A. I heard it rumored that there was a rifle-club in Sumter, and heard it rumored they were forming over the State.

Q. Did there not exist among the republicans, and especially the col-

ored people, considerable apprehension of trouble in the minds of the colored people?—A. We did feel uneasy, from the fact that the campaign was conducted hotter by the opposition than ever before.

Q. In addition to these things, were there not strong efforts put forth by the democrats to prevent colored people from voting the republican ticket by threatening to withhold supply, lands, &c.?—A. In my neighborhood threats of that sort were made that after January rents would not be rented to them nor could they get supplies. I know of one case where a colored man was discharged at once for attending a republican meeting. This was told me by him, and he was working for wages, not a contract-hand.

Q. What effect did threats of that sort have upon colored voters?—A. Several in Mayesville Township did not vote on that account.

Q. These parties you alluded to, if they had not been intimidated by the clubs, would they have voted the republican ticket?—A. They always did, and I presume would have voted the republican ticket.

Q. Do you know Derry Hampton, Fortune York, Isaac James, Minder Peterson? W. A. Cooper, in his testimony, gives their names as colored persons who were intimidated by colored men and kept from voting the democratic ticket. Please state anything of these men.—A. I can state that the intimidation used, if any, was more likely to be used by Mr. W. A. Cooper, to prevent said parties from voting. I am informed that Mr. Cooper requested and got Derry Hampton and Fortune York to stay home, stating that if they could not vote for them not to vote against them; and I have been told that Isaac James voted the democratic ticket.

Q. What effect did the bringing of the few troops into this county have upon the colored voters?—A. My own impression is that it did not change a vote. Some of the colored people may have felt a little more secure, having previously heard the floating rumor that rifle-clubs or armed bodies of men were marching through the county.

Q. Were the colored people in your section of the county allowed to be democrats and allowed to vote democratic if they wished to vote?—A. Not in my section. I heard of none in this county.

Q. About what is the republican majority on a fair vote in this county in a hot campaign?—A. About two thousand. In making this estimate I give the democrats some colored votes.

Q. At what poll in this county were you on the day of election?—A. At Lynchburg.

Q. It appears that a few troops were there on the day of election. State how many and how near the polls were they stationed.—A. About ten or fifteen, and about one-third of a mile distant.

Q. Did they come about the polls?—A. They were not allowed to leave their quarters that day.

Q. Did you see Legare, the deputy marshal, on that day?—A. I did.

Q. Please state what you heard at the time as to Wilson and the two tickets.—A. I was supervisor, and either myself or the managers discovered a gentleman about to vote two tickets, and he was prevented from voting the two tickets; was allowed to vote one. I think I called for the deputy marshal myself, and stated, when he came, the facts to him. The man said he done it ignorantly, and when asked where he got the two tickets from he said (I think) Mr. Wilson gave them to him; but he denied knowing that both tickets were folded together. Mr. Legare took his name and the name of the party gave him the tickets, and did not arrest him. I was inside the house and did not hear that he had arrested him, and Legare told me afterwards that he did not make the arrest.

Q. Did Legare on that day in any way interfere with the free exercise of

voting by the voters?—A. Not to my knowledge, and I never heard any one say that he did.

Q. Were not certain democrats very active in trying to secure colored votes?—A. Both parties were very active. I was agreeably disappointed in Lynchburg; it was the most peaceful election I have ever seen.

Q. What effect did the troops at Lynchburg have upon the vote that day?—A. I don't know that they had any effect, but if they had any it was to secure a peaceful and quiet election.

Q. In your opinion, did the sending of troops to Sumter and to Lynchburg in this county cause the democrats to lose a single vote, that wished to vote for them?—A. My impression is that they did not lose a single one.

(Objection to such answers as are based on hearsay and opinion.)

Cross-examination:

Q. Were you a candidate at the last general election, and, if so, for how many offices did you run?—A. I was a candidate on the republican ticket for presidential elector, also for member of the legislature from this county.

Q. I believe you were also appointed and acted as a United States supervisor at the Lynchburg box; is this not so?—A. I was, against my wishes.

Q. Did you hear the speech of J. S. Richardson, the contestant, at Mayesville during the campaign?—A. I did.

Q. In that speech did he advocate or use language which could be fairly construed as implying that force would be used to compel the colored people to vote with the democrats?—A. You did not use exactly those words, but the impression left upon my mind was this, that the republicans who did not vote the democratic ticket would be sorry for it. You advised them to come over before it was too late, and from the tenor of your remarks, I judged that force would be used. It was very early in the campaign, and one of the first speeches made in the campaign.

Q. If in any other speech, have you ever heard anything which conveyed a similar impression?—A. I did not hear your speech, but I heard of the one delivered in Lynchburg, and was told that similar language was used.

Q. Had the Mr. Wilson, to whom you have referred as having given two tickets to an old man at Lynchburg, attempted to vote either two or three tickets at once when he voted himself?—A. No, sir; I don't think I know him.

Q. Was any one at the Lynchburg poll, except the old man referred to by you, detected in trying to vote more than one ticket?—A. Not to my knowledge.

Q. You were there all day?—A. Mostly all day. I went out once or twice, and if anything of the kind had happened it would have been reported to me.

Q. What is the size of Lynchburg; what the number of inhabitants?—A. About two hundred inhabitants. It is not incorporated.

Q. About what number of votes were polled there that day?—A. Nearly 400 votes; but this was polled from the surrounding country, extending six or seven miles.

Q. Were the two tickets which this old man you refer to, Mr. Boyce, completely folded when he attempted to vote; and, if not, please state how it was?—A. They were folded, but not small enough to be admitted in the box, and when it was folded smaller it was detected that they were two tickets.

Redirect :

Q. Mr. Richardson, in his cross-examination, has alluded to a speech he made at Mayesville, which you heard. Did you not consider the same of violent character, and did you not hear democrats object generally to the speech?—A. I considered the speech rather uncalled-for at this stage of the campaign, and I was afraid that this speech indicated the nature of the coming campaign, but did not consider it a violent speech.

T. B. JOHNSTON.

Sworn to and subscribed to before me this 29th day of March, 1877.
[SEAL.]

FRANK F. TEICHER,
Notary Public.

MARCUS SPANN (colored) sworn.

Question. Do you know A. J. Moses who said in his testimony for contestant in this case that he heard you say that the troops were brought here to make colored people vote republican? Is this so or not?—Answer. It is not so. I never had any talk with him concerning the election.

Q. You know him well?—A. I do.

Q. Where were you on the day of election, and in what capacity?—

A. As manager of the election at Providence poll.

Q. How was the election at Providence? Was it peaceful, quiet?—

A. The most peaceful election ever held.

Q. Who were the other two managers?—A. Brownfield for the democrats, Albert Spears, and myself.

Q. How did you count the votes?—A. Brownfield acted as clerk. Spears and myself unrolled the tickets and placed the votes in the box; counted all the tickets; called the tickets if republicans' names on it a republican, and democratic the same way. Scratched tickets we put on one side.

Q. Did you examine the tickets carefully and call the names off?—A. We examined the tickets as careful as we could, and called the names off all the tickets.

Q. In examining the tickets did you not find some red democratic tickets?—A. We found only two.

Q. How were these two counted?—A. Democratic.

Q. Did Mr. Richardson or Mr. Rainey get credit for every ticket they received at your poll?—A. They did, and every other candidate voted for.

Q. Were the colored people who voted the democratic ticket molested or troubled in any way for so doing?—A. Not that I heard of.

Q. What effect did the troops have upon colored voters?—A. None up my way.

Q. Did the colored people in your section have the impression that the troops were brought here to make people vote any particular ticket?—A. They did not.

Q. What impression did the colored people have regarding the troops, their coming here, &c.?—A. I cannot recollect that I ever heard any of them speaking about this.

(Objected to all leading questions and to all answers based upon opinion and hearsay.)

MARCUS ^{his} + SPANN.
mark.

Sworn to and subscribed to before me this 29th day of March, 1877.
[SEAL.]

FRANK F. TEICHER,
Notary Public.

RANSOM KENDRICK (colored) sworn.

Q. At what poll were you in the last general election?—A. At Rafting Creek, and acted as a police at the request of the republicans and democrats.

Q. What time did you get to the polls that morning?—A. Before 6 o'clock in the morning, which was before day.

Q. What time was the poll opened by the managers?—A. At 6 o'clock, and closed at 6 o'clock in the evening.

Q. How many times did the managers adjourn that day?—A. Not at all; saw one of the managers step out, but the others would always be present. Very often during the day, when no voters were present, the managers would get up and stand around the box without leaving the same.

Q. You say you were at the polls all day. Tell me who brought guns to the polls or near them?—A. I did not see any guns, nor did I hear of any guns. Everything was peaceable and quiet.

Q. Did you see any colored voters come up to the polls with haversacks?—A. I did; they carried their provisions in the haversacks, which is customary amongst the colored people.

Q. What effect did the presence of United States troops have in your section?—A. I am well acquainted with all the colored people in my township, and it had no effect upon them, that is to change their votes.

(Objected to all the answers based upon hearsay and opinion.)

Cross-examination:

Q. Are you a republican, and how did you vote that day?—A. I am, and voted the republican ticket that day.

Q. You did not stay in the house where the polls were kept all day?—A. I did not.

Q. How can you say that the managers remained at the polls all day, if you did not stay in the house?—A. I staid at the door all day to keep them from crowding the poll.

Q. You say that you kept the door?—A. No, sir; I was a guard at the door outside.

Q. Did you not leave the door; were you standing outside at all that day?—A. I left but once that day, just to the edge of the yard, but the managers did not leave.

RANSOM KENDRICK.

Sworn to and subscribed to before me this 28th day of March, 1877.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

P. J. MISHON (colored) sworn.

Q. At what poll were you on the last election in this county?—A. At Carter's Crossing.

Q. Who were the managers of the election at your precinct?—A. Gentry Holmes, Dr. Stucky, and myself.

Q. Who was clerk of the board of managers?—A. H. G. Shaw, I think.

Q. Was he sworn?—A. I think he was.

Q. How many poll-lists were kept?—A. Two were kept, one by Tuomey part of the time, and also by L. L. Shaw, the democratic supervisor, and the other by the clerk.

Q. Did the poll-list kept by the clerk and the poll-list kept by the supervisor tally?—A. They did; no discrepancy whatever existed.

Q. How did these two poll-lists kept correspond with each ; the number of ballots in the box ?—A. They did exactly.

Q. In counting the votes were you careful to give everybody the vote he got ?—A. Very careful ; everybody got credit for the votes cast for them.

Q. Were there any red democratic tickets in that box ?—A. Two ; one of which was scratched.

Q. Have you ever been a member of the brotherhood society ?—A. I was a member and secretary of No. 1.

Q. Was it a political society, or not ?—A. It was not ; politics were excluded.

Q. You were here during the last campaign ?—A. I was.

Q. Did you hear any of the republican speakers or any republican say that Governor Chamberlain was to turn out the convicts from the penitentiary, and that the troops were to drive the democratic colored people into the penitentiary, or anything to that effect ? A.—I did not.

Q. Do you know of any instances where colored people were mistreated by their own color for voting democratic ?—A. I do not.

Q. What effect did the presence of United States troops have upon the colored voters ?—A. I was not at Sumter after the troops came, and in the county where I was it gave them assurance to vote as they wanted to vote.

Q. Previous to the coming of the troops in the county, were there not apprehensions among the colored people of violence at the election ?—A. There was in the county where I was, and they so expressed themselves to me.

Q. Did you hear on the day of election any threats against the box at Carter's Crossing ?—A. I did not hear any threats, but I heard of threats. Parties came to me and told me that persons expected to take the box—the white men. One with the name of John Heriot asked me if I thought there was any danger. I told him I thought not. Sentry Holmes, the chairman, when he came out with the box, was taken up by the colored men and guarded all night in consequence of said threats.

Q. You had, at the time mentioned in your last answer as to Sentry Holmes being guarded, &c., closed the election and made and signed the return, &c. ?—A. We had ; think we closed after 9 o'clock.

(Objected to all leading questions and to all answers based upon hearsay.)

Cross-examination :

Q. You state in your answer to interrogatories in chief " that parties came to you and told you that persons expected to take the box." Who was it told you, white or colored men ?—A. Colored men.

Q. Were they republicans or democrats ?—A. I cannot tell, but believe them to be republicans.

Q. Who kept the box that night ?—A. Sentry Holmes.

Q. Sentry Holmes was the person, I believe, who you state was taken up by a crowd of men and carried off and guarded that night, was he not ?—A. He was ; kept the box and was guarded that night.

Q. The crowd you speak of who took Sentry Holmes up and carried him off, were they republicans or democrats ?—A. I cannot say ; I supposed them to be republicans.

Q. Do I understand you as making oath to the fact that the clerk who kept the poll-list, Mr. H. G. Shaw, was sworn as clerk ?—A. I believe he was.

Redirect:

Q. You state that Sentry Holmes was guarded the night of the election. Was this to protect the ballot-box from being taken and destroyed, or what?—A. It was expected that the whites would take the box, destroy or stuff the box, and it was for this reason that the box was guarded.

PAUL J. MICHEAUX.

Sworn to and subscribed to before me this 28th day of March, 1877.
[SEAL.]

FRANK F. TEICHER,
Notary Public.

JOHN H. FERITER sworn.

Question. How long have you resided in Sumter County?—Answer. About thirteen years.

Q. Two years ago, what ticket in this county did the republicans generally support?—A. The Green and Lee ticket, and the whites, also.

Q. Was not the support of the republicans of this county mostly attributable to the fact that they were both citizens of this county and very popular?—A. It was.

Q. During the last campaign in this county, did not the democrats organize, or was it not reported they organized, all over the State and county, rifle-clubs?—A. It was so reported. I have seen posters up calling for meetings.

(Objected to the question as leading and the answer as hearsay.)

Q. Was there not, in the speeches and demonstrations of the democrats, considerable show of violence?—A. I could not say as to speeches; at the democratic demonstrations I should consider that there was considerable show of violence, and it was the first time since I entered politics that rifle-clubs and mounted men were introduced into political meetings.

Q. Were there not existing in the minds of republicans considerable anxiety and apprehension of trouble during the campaign and at the election?—A. There was.

Q. During the campaign, did you read the speeches of any prominent democrats, giving advice as to how the State should be carried?—A. I read a speech said to have been made by either Butler or Gary, advising them, if necessary, to kill the white republicans, then the mulattoes, and lastly the leading negroes. I read a speech said to have been made by Colonel Moise, which, if taken literally, if correctly reported, advocated the assassination of Chamberlain. Colonel Moise's speech, I think, was made at Chester, and the one by Butler or Gary at Edgefield Court-House.

Q. Was not a strong effort made in this county by democrats to prevent colored people from voting the republican ticket by threatening not to employ them nor rent them land, &c.?—A. It was the general impression; so much so that after the election Hampton issued a manifesto requesting people to recede from that position.

Q. Did not these threats previous to the election greatly distress the colored voters?—A. I think it did; the people are ignorant, and are depending upon the democrats for their support, and near the close of the campaign they usually used the word "favors" in this matter.

Q. In your opinion, did not, first, the violence of the campaign, and then the fear of losing land or employment, cause many colored voters to join the democratic clubs against their wishes, or stay home from the polls?—A. I think so.

Q. If you know of any instances of violence toward republican meet-

ings during the canvass in this county by democrats, please mention the facts.—A. At Bishopville I was at a republican meeting, and as we returned we saw a strong demonstration by white men, who were very violent, and wild cheers for Jefferson Davis. "Tear down our rags," (supposed to mean our United States flags,) and similar expressions, were made—so much so that we did not think it prudent or safe to hold our meeting under the big oak, but retired some distance out of town.

Q. Did you not, on that occasion, before you got to Bishopville, hear that these threats had been made?—A. We heard it rumored that a rifle-club was there from Darlington, and we inferred that they came to assist the citizens of Bishopville—meaning the democrats.

Q. What is the republican majority of Sumter County in as warm a contest as the last one, on a fair vote?—A. About two thousand five hundred is what I consider the republican majority of the county.

Q. What effect did the presence of the few troops have upon the vote of the county?—A. I think that from the troubled state of feeling in this county, I think they had the effect as peace-makers, and guaranteed the right of everybody to vote as they pleased; still I would say, the number being so small, that the assurance of peace was not as strong had there been more. The democrats were well pleased at their coming, at least told me so, and the soldiers were mostly democrats. I also heard the soldiers say that in case of a riot they would turn the cartridges the wrong way. I have heard it rumored that prominent democrats addressed them the night they were leaving town, thanking them for the manner in which they conducted themselves. I think that all parties were pleased with their coming.

(Objected to all in this answer as based upon opinion and hearsay.)

Q. It has been alleged in this case the colored people were prevented from voting democratic on account of intimidation and terrorism from their own color; do you know whether this is so or not?—A. I don't know of anything of the kind, to my own knowledge.

Q. Do you know of any instances of violence being done to colored democrats?—A. I never heard of any molestation of them.

Q. Were the brotherhood clubs in this county political or not?—A. They were not. I belong to one myself, and declined joining it at first for fear it had politics in it.

Q. Some of the witnesses for contestant say that the republican leaders threatened the colored people with slavery, the penitentiary, &c., if they voted democratic; did you hear such speeches?—A. I heard a great many republican speeches, and never heard anything of the sort myself. I made several speeches in 1874 in the Green movement, and, hearing of such rumors, I always told the people they had a right to vote as they pleased, (mostly in Darlington and Chesterfield.) I always favored a division of the white and colored vote.

(Objected to questions in the examination of this witness which are leading, and to all answers given by him which are based upon hearsay and opinion.)

Cross-examination :

Q. You were a candidate on the republican ticket at the last election, were you not?—A. I was.

Q. What other position did you hold on the day of election?—A. United States supervisor.

Q. What other offices have you held since reconstruction?—A. I was a member of the legislature from 1868–1870; county commissioner during the same time; held no office since, until 1876, when I was elected to the legislature. I held the position as assistant United States assessor.

Q. You say you have seen posters up calling for meetings of rifle-clubs; please state where you saw the posters, when you saw them, and the meeting of what clubs did they call for.—A. I saw them at the usual places, on trees in the town, before and since the election; I suppose for the Sumter club, of which Mr. Earle is captain.

Q. Did you see any other posters calling for meetings of the rifle-clubs?—A. I don't recollect of seeing any.

Q. What was it that caused the apprehension of trouble in the minds of the republicans during the campaign and at the election?—A. The feeling caused by the extraordinary methods taken by the democratic party in the organization of rifle-clubs all over the State, and their general demeanor toward republicans.

Q. Please state what you mean by "their general demeanor."—A. I mean what the word indicates. As you passed along the street, even children and others hallooing at you; and, in fact, the very atmosphere was impregnated with it; but in what I say I do not generally include Mr. J. S. Richardson, whose demeanor was different.

Q. Do you know of more than one rifle-club that was organized or in existence in the town of Sumter during the campaign?—A. I do not recollect of seeing more than one in the town of Sumter.

Q. The speech which you allude to as having read, and said to be delivered by either Butler or Gary, you say was delivered in Edgefield Court-House; is not this out of this congressional district?—A. It is out of the congressional district; but I saw it, I think, in the News and Courier, which is circulated in this county.

Q. Is not Chester also out of the congressional district?—A. It is, and I saw the speech in the Union Herald.

Q. Was the meeting at Bishopville to which you allude disturbed or interfered with, or not?—A. The meeting was not, but the procession was, as stated.

Q. Did you see or ascertain if there was a rifle club there from Darlington County?—A. I was told that one was there and had their arms in a store; did not see them myself.

Q. What do you mean by the "republican majority of Sumter County," in your testimony?—A. I mean simply what it states.

Q. At the last election was not the only republican ticket in the field the regular republican ticket?—A. It was; and the other was a straight-out democratic ticket; but if you allude to tickets voted, there was a red bogus democratic ticket which was calculated to deceive republicans.

Q. Did this bogus ticket to which you allude differ at all in the names which were run upon it from the straight-out democratic ticket?—A. They did not, except that the names of Tilden and Hendricks, for President and Vice-President, was on the bogus democratic ticket, and it was not on the regular democratic ticket—only electors on it.

Q. There were but two sets of candidates; one of them, the republican, running upon the regular republican ticket, and the other set, the democrats, running upon a democratic ticket?—A. That is so.

Q. In the election of 1874, about how many votes in this county were cast for the candidate that ran upon the regular republican ticket?—A. About seven or eight hundred.

Q. At the election in 1872 how many votes were cast for the regular republican ticket?—A. I do not recollect; the most of the county.

Q. At this last election how many colored persons were nominated in this county on the democratic ticket, and how many ran the race through?—A. Six colored persons were nominated, and six whites; five colored ran the race through, one having withdrawn, or got off in some way.

Redirect

Q. Was not the county democratic ticket looked upon as the straight-out democratic ticket?—A. It was.

Q. In 1874 did not all the prominent republicans of this county strenuously advocate and work for the Green and Lee ticket?—A. The greater part did, but not all.

Q. In the election of 1874, if I understand you, there was a coalition of the republicans and democrats upon the Green and Lee ticket?—A. There was.

Q. How was it in the last election?—A. A straight-out party fight, the republicans for the republican ticket, the democrats for the democratic ticket.

Q. You have mentioned in your cross-examination something of a red bogus democratic ticket, which you said was calculated to deceive republicans; can you mention any instance of a republican or republicans being deceived thereby?—A. On the day of election I heard a democrat say that he swapped his ticket, one of these red ones, off to a republican for one of the others. The impression left upon my mind was that both voted the bogus red ticket, the democrat knowingly, and the republican through this deception.

(Objected to the above as not being in reply to any question asked in the cross-examination, and as being based upon hearsay and opinion.)

J. H. FERITER.

Sworn to and subscribed to before me this 28th day of March, 1877.

[SEAL.]

FRANK F. TEICHER,

Notary Public.

J. N. CORBETT sworn.

Question. How long have you resided in this county?—Answer. Since 1854.

Q. Were you here during the last political campaign?—A. I was.

Q. How did you consider this campaign?—A. A very hot contested campaign, and very bitter feeling existing.

Q. Did you, during the campaign, hear of the formation of rifle-clubs throughout the county?—A. I did.

Q. What were they formed for?—A. I suppose for the intimidation of voters.

(Objected to as opinion.)

My reason for saying so is that there was no violence on the part of republicans, nor threats of violence.

Q. Among republicans, what feeling did the formation, or reported formation, of these rifle-clubs produce?—A. A great fear.

Q. In your opinion, did not these fears upon republicans cause many of them to join the political democratic clubs of the county?—A. I do not think so. I think that bribery and fear of losing their homes caused them to join. Those that were intimidated by violence staid at home.

Q. During the campaign, was it not reported all over the county that supplies would not be furnished nor lands rented to the parties voting the republican ticket?—A. It was not only reported so, but it appeared in printed resolutions in the papers emanating from the clubs.

Q. Did not threats of this sort produce great fear among colored people if they did not vote the democratic ticket?—A. It did.

Q. I believe you have already stated in a previous answer that it caused many to join the democratic clubs against their wishes.—A. It did. I had occasion to converse with a great many colored people who had rented lands, and they expressed themselves to me as being in great

fear of being turned off. Among all the land-owners that came under my observation only one did not make threats of this sort.

Q. How was the canvass here conducted; was it conducted with great show of violence or not?—A. In the early part of the campaign there were a good many threats made by the democrats, and expectations of violence on the part of colored republicans.

Q. In your opinion, what modified this policy?—A. The proclamations of Governor Chamberlain and President Grant produced the change, I think, in the tactics of the democrats.

Q. During the campaign, were any State militia in Sumter County?—A. None during the campaign. There was a company of militia organized about 1871, and the arms deposited at the jail building were destroyed by fire, and I have not been able to find any more than two gunmen.

Q. Were the republicans of this county organized with any kind of political organization during the canvass?—A. None that I know of. The Brotherhood clubs do not claim to be political. I saw one or more democrats parade in the ranks.

Q. During the campaign, was there any armed organizations in this county among the republicans?—A. None.

Q. What effect did the presence of troops have upon the colored people of this county?—A. It inspired them with confidence, and the Government was going to protect their interest and allow them to vote as their convictions dictated them; did not affect nor change their vote in any way.

Q. If it had not been for the presence of the troops, don't you think that a great many of the colored people would have been afraid to vote and remained away from the polls?—A. I do.

Q. How was the coming of the troops received by the people of this county?—A. Both parties expressed themselves satisfied with the coming of the troops. I saw one of the officers ride about town with the democrats; the men treated me. Everything indicated that the people were well pleased.

Q. Do you know Murray De Lorme?—A. I do; lives in the town of Sumter.

Q. Did you see him vote in the town of Sumter?—A. I know he voted; he told me so; my back was to him at the time he voted.

Q. Where did he vote at?—A. At Spring Hill.

Q. Is he a white man and a democrat?—A. He is, and up to that time had an excellent character. He is now indicted in the United States court for voting twice at the last election in this county.

(Object to all the leading questions and to all the answers based upon hearsay and opinion.)

Cross-examination :

Q. You are an office-holder under Governor Chamberlain, are you not?—A. I am.

Q. How long have you held office in the republican party?—A. Since reconstruction.

Q. In 1872 whom did you support?—A. I always supported the regular republican nomination.

Q. In 1874 you voted for and supported Governor Chamberlain?—A. I did, as I thought his opponent was unfit for the position. As a judge, he was a success; as a governor, he would have been a failure. We were always warm personal friends.

Q. You say, in your answers to interrogatories-in-chief, that you heard "of the formation of rifle-clubs throughout the county;" please state by

name and location what clubs you heard of.—A. I heard of one in Concord, of one in Mount Clio. The day of the Hampton parade they all paraded without guns, and there must have been at least five or six in procession.

Q. You have named but two; are you certain that the clubs which paraded on Hampton's day were rifle-clubs, not democratic clubs?—A. I know that there is a Sumter club, and all the clubs paraded that day might have changed their name to democratic clubs. They were generally looked upon as rifle-clubs.

Q. Who looked upon them as rifle-clubs?—A. People generally.

Q. From what source do you get the information that the rifle-clubs you refer to were formed for the purpose of intimidating voters?—A. By threats made to and in the hearing of colored men.

Q. Have you any other source of information on that point?—A. No other source.

Q. Did you hear any of the threats you refer to?—A. I did not; I do not attend democratic meetings.

Q. Your information, then, is based entirely on hearsay, is it not?—A. It is.

Q. Please state the names of your informers.—A. I decline to answer the question, as it might get my informers into trouble.

Q. You say in your answer to interrogatories-in-chief "that there was no violence, or threats of violence, on the part of the republicans." Were you a reader of the Charleston News and Courier and of the Sumter papers during the campaign?—A. I was a reader of those papers, and referred to this county in the answer quoted.

Q. Was there not published in the columns of the News and Courier, and republished in the columns of the Sumter paper, during the campaign, numerous instances of violence, or reported violence from all parts of the State on the part of republicans?—A. I learned to look upon those as manufactured during the campaign, because one or two instances happened within my own knowledge had been distorted and magnified.

Q. Did you ever see published any contradiction or denial of the instances reported and published as stated, and in what paper did you see them?—A. I know enough of newspaper management to know it is a hard matter to get a retraction or correction of evidence.

Q. You attribute the joining of the democratic club by colored voters to bribery. Please state the names of the parties to the bribery.—A. The democratic party, and the republicans were bribed.

Q. Can you give the name of any individual who you know was bribed, or who informed you he was bribed?—A. The people bribed do generally cover up their crime. I cannot that I have direct proof to convict any one.

Q. Do not the rents of lands in this county terminate, as a universal thing, on the 31st day of December, of each and every year?—A. It does.

Q. Do you know of any colored man who was turned off because he voted the republican ticket before his contract for rent expired?—A. I do not; because the colored people knew they could not turn them off before the contract expired.

Q. Do you know of any colored man who was refused rent of land for this year on the ground of and because he voted the republican ticket?—A. I do not; but do know that some of those who threatened renters the most loudly rented them the same tracts of land last January, and I think that the reason they did not stand up to their resolu-

tion was caused by the advice issued by Governor Hampton after the election.

Q. When was this advice from Hampton issued ; was it not after the 1st of January?—A. I do not know.

Q. Was it not a fact that the colored people united themselves most readily and generally during the first part of the campaign with the democratic clubs?—A. I think not.

Q. Do you not know that many of them did unite themselves with the democratic clubs during the first two or three months of the campaign?—A. They had a good many bummers about the democratic party—being tight times—who were there for the purpose of making gain. I knew a great many of the ones hanging about the democratic clubs, and I had no confidence in them either way. I do not know whether many united themselves to the clubs during the time alluded to or not.

Q. Do you know of any colored men who united themselves with the democratic clubs during the last month of the campaign?—A. I had no means of knowing.

Q. When, then, did such of the colored men as did unite themselves with the democratic clubs join said clubs?—A. I had no means of knowing that.

Q. You have stated in your answer to interrogatories-in-chief that the democrats in the early part of the campaign made a great many threats and that there was expectation of violence, but that in the latter part of the campaign there was a change in this respect. What effect on the colored people had the two different policies you have stated existed in the democratic party?—A. My impression is this, that the first effect of the first policy was alarming to them; the effect of the changed policy was they felt relieved from the pressure of intimidation and would have the liberty to vote as they pleased.

Q. You ascribe the change of tactics or policy on the part of the democrats to the proclamations of Governor Chamberlain and President Grant; in your judgment, then, these proclamations had the effect of doing away with the threats and expressions of violence you have alluded to, and also resulted in the disbanding of the rifle-clubs. If it did not have this effect, state what you mean when you say "that the said proclamations modified the policy of the democrats."—A. I don't know anything of the disbanding of the rifle-clubs. The people of this county do not wish any collision with the United States authorities. I believe that a change took place, and that other means were used in place of threats and expressions of violence.

Q. After that time what other means were used?—A. Expulsion from lands; withholding supplies and favors.

Q. Mention what was the excuse or reason for the introduction of troops.—A. Everything looked calm; but then there was in the minds of the colored men feelings of uneasiness as to what would happen the night before and day of election.

Q. Do I understand you as meaning by this answer that you have been swearing to facts in reference to the doing away by the proclamation referred to of threats and expressions of violence, when in reality the said proclamation had no such effect?—A. The above question I do not understand.

Q. Do you mean to say that the militia company which was in Sumter County was ever formally disbanded, or that its arms were called in, when you say that there was no militia company in Sumter County during the campaign?—A. I know of no militia company. I always under-

stood that the arms issued by the State were burned up at the burning of the jail.

Q. Is it not a fact that 175 stand of arms were sent to Sumter by the State authorities some time about 1871 or 1872, or perhaps in 1873, and about 100 of these arms issued out to a colored company raised and officered in Sumter, and the balance of the arms (to wit, about 75) were stored in the jail; were these latter burned, or supposed to be burned, when the jail was destroyed by fire?—A. Arms were issued to a colored company in Sumter in 1871 or 1872, by General Scott. I was always informed that there was not any in existence, they having been burned up, excepting the two mentioned.

Q. Do you know of any order calling in the arms referred to?—A. I do not.

Q. When was it you saw democrats parade in the ranks of the Brotherhood Club?—A. At some colored parade; don't remember whether it was on a political occasion or not.

Q. Did not the Brotherhood Club turn out and parade with their banners, both on the day of the grand republican demonstration at Sumter on the Saturday after Hampton's day, and also on the occasion when Governor Chamberlain spoke at Sumter?—A. They did.

Q. If there was no organization among the republicans during the campaign, please state by what means they carried on the campaign.—A. By saying there was no organization I referred to armed organization—organization or precinct organization; there was a county organization, with an executive committee, and these communicated with the precinct chairman.

Q. Of what were these precinct chairmen the chairmen of?—A. Of the republican voters of their precincts.

Q. There was, then, an organization to that extent you name?—A. By organization, I would express an enrolled body of men with executive officers, and readily organized for action. Of such organized bodies of republicans I have no knowledge.

Q. You say that both parties expressed themselves satisfied with the coming of the troops; do you not know that great fault was at the time and during the campaign found with Governor Chamberlain for, in the first instance, trying to get the troops, and, in the second place, in procuring their introduction into the State?—A. There was dissatisfaction expressed among the democrats.

Q. Was not this dissatisfaction expressed both in the democratic newspapers and also in the public speeches made by democrats during the campaign?—A. I suppose so; don't remember anything in particular.

Q. Is it not a fact that when the democrats ascertained the reality that the troops were to be introduced, or actually were introduced, that they then simply shaped their talk and declarations so as to make the best out of what they could not help?—A. I don't know.

Q. What is your opinion?—A. I could not form an opinion.

J. N. CORBETT.

Sworn to and subscribed to before me this 29th day of March, 1877.

[SEAL.]

FRANK F. TEICHER,

Notary Public.

ALBERT CHAVIS (colored) sworn.

Question. In what precinct of this county did you live during the last campaign?—Answer. At Privateer.

Q. Were you a republican or democrat?—A. A republican.

Q. Were you threatened or intimidated any time during the campaign

by a colored person or any republican?—A. I was not intimidated in the least by anybody.

Q. Peter Mellit, a witness for contestant in this case, has said that you told him that you wanted to vote for Mr. Richardson for Congress, but was afraid to do so on account of violence or being burned out; did you tell this to Mr. Mellit?—A. I don't recollect that; remember having had a talk with Mr. Mellit on the day of election. I did not tell him I was afraid, because I was not afraid.

Q. Did you vote at Privateer on that day?—A. I did not. I heard the poll was not legal there, and did not feel like coming to town, as it was late in the day.

Q. You were not influenced, in anything you did or said during the election, by any fears of any one?—A. I saw no occasion.

ALBERT CHAVIS.

Sworn to and subscribed to before me this 29th day of March, 1877.

[SEAL.]

FRANK F. TEICHER,

Notary Public.

Rev. WILLIAM HARRIS (colored) sworn.

Question. Where did you live last year?—Answer. At J. S. Richardson's place, who was a candidate for Congress.

Q. Did you have any land rented from him?—A. I had ten acres.

Q. Were you a democrat or republican?—A. A republican.

Q. In the month of October what threat did Mr. Richardson make to the republican voters on his place?—A. He would much rather for the colored people on his place would vote the full democratic ticket, but those that did not vote it that they could not stay on his place another year; and if they would not vote the full democratic ticket, and vote republican, to vote his name in the place of Rainey's; and if they did not, that he could not trust them with his rights on his premises.

Q. How did you vote?—A. The republican ticket.

Q. As soon as your contract was out were you turned off?—A. I was turned off in October, after paying up my debts.

Q. How did you come to be turned off in October?—A. I saw no other reason for being turned off except I voted the republican ticket.

Q. Were these threats general in your neighborhood?—A. They were.

Q. Did not these threats alarm a great many of the colored people and keep them from voting or cause them to vote the democratic ticket?—A. It did keep them in this place from voting the entire republican ticket, but don't know whether it did generally in that section of the country.

(Objected to all leading questions asked this witness, and to all answers based upon hearsay and opinion.)

• Cross-examination:

Q. I was under the impression that you voted for J. S. Richardson, having been distinctly so informed. Are you certain you did not vote for him?—A. I did not vote for him.

Q. Who was present when the threats you referred to were made?—A. The whole plantation.

Q. Did J. S. Richardson turn you off his place, or were you allowed to leave upon your request to do so, before your contract for labor expired?—A. It was not my request.

Q. Were you not under a contract with him to give him three days' labor in each and every week up to the 1st day of January last in return for the use and occupation of a house and ten acres of land and mule force to work your crop, which house you and your family occu-

pied until after the 1st day of January last, and which ten acres of land you made a crop on during last year?—A. I was not.

Q. Did your family remain in the house and on the land until after the 1st day of January?—A. They did, because I was not home.

Q. Where were you gone?—A. I was gone to Charleston.

Q. For what did you go to Charleston?—A. To attend United States court as a witness.

Q. When was it that you went to Charleston to attend court; was or was it not after the 1st day of January?—A. The last Sunday night in December I left at 3 o'clock.

Q. Up to the time that you did leave for Charleston, where was your home or place of abode?—A. I had the same house occupied on J. S. Richardson's place, but I did not stay there three days in all after I was discharged.

Q. Was not your contract to give J. S. Richardson three days' work in every week?—A. It was not.

Q. What was your contract?—A. My contract was to give four days' labor in each week for a house for myself and family and eight acres of land to plant, and one day's horse-power.

Q. You stated the contract correctly. Now, then, do you say that J. S. Richardson gave up four days' labor in each week, and allowed you, without a request on your part, to leave his employment from some time in October until the first day of January simply because you say you told him you voted the republican ticket?—A. I do.

Q. Have you ever had any conversation with J. S. Richardson about your leaving his place?—A. I have.

Q. Where was it and what was it?—A. In Santee town. My words were, "I am discharge of your place." The answer was, "Harris, I can't do you no good, for you voted against me, and my word is myself."

Q. State the place where this conversation occurred.—A. On Liberty street, near Mr. Coghlan's shop.

Q. Was it before or after you went to Charleston?—A. Before I went to Charleston.

Q. How long before you went to Charleston?—A. One week.

Q. Did you have any other conversation with J. S. Richardson at all?—A. I did not after the election.

Q. Did you have any conversation with J. S. Richardson upon the subject of your leaving his place before the election?—A. I had no such conversation as that before the election.

Q. What was the conversation you had with J. S. Richardson before the election?—A. At a different conversation, held in August, while pulling fodder, I asked him for additional help; did not get it.

Q. Was there any other conversation between you and him, at any time whatever before the election, in reference to your leaving the place or your voting?—A. There were not, except the two.

Q. How long after the conversation which J. S. Richardson had with you and all the people on his place was it that you left his employ?—A. I could not say how long precisely, but it was about a month, and word came to me to leave.

Q. It appears, then, that J. S. Richardson did not himself tell you to leave, did he?—A. No; his son got the word from him.

Q. Which one of his sons?—A. David M. Richardson.

Q. Had you not, before you left his place, got into some difficulty with some of the colored people on the place?—A. I did not.

Q. What occurred between you and James Singleton?—A. Nothing at all.

Q. What occurred between you and Rufus Wilson?—A. Nothing at all.

Q. Did not one or the other of these named persons, Singleton or Wilson, charge you with taking some of their cotton?—A. They did not.

Redirect:

Q. After you were discharged on account of your politics, as you say, were you allowed the use of the water, or the use of the land, or were you furnished with rations?—A. I was not.

WILLIAM ^{his} + HARRIS.
mark.

Sworn to and subscribed to before me this 26th day of March, 1877.
[SEAL.]

FRANK F. TEICHER,
Notary Public.

SENTRY HOLMES (colored) sworn.

Question. Where were you on the day of the last general election, and in what capacity?—Answer. At Carter's Crossing, a manager of the election.

Q. Who were the other two managers?—A. Paul Mislow and Dr. Stackey, the latter the democratic manager.

Q. Who were the two supervisors?—A. Mr. L. L. Shaw, and H. D. Shaw was the clerk of the board of managers.

Q. How many poll-lists were kept?—A. Two; one by the clerk of the board, and the other by the democratic supervisor.

Q. Did the names on the two poll-lists tally?—A. They did.

Q. Did the names on the two poll-lists tally with the folded ballots found in the box?—A. They did.

Q. Did you swear in the voters at your poll?—A. Every one; we tried to do our duty.

Q. Were you careful in examining the votes to give to every candidate all he got?—A. We did, and gave to every candidate all the votes he received.

Q. Did not every ballot in the box pass under the scrutiny of the democratic clerk and supervisor?—A. They did.

Q. In your part of the county previous to the election were not threats made against colored people of being turned off their places if they voted the republican ticket?—A. I heard of such; no one told me so; heard it from colored persons.

Q. Were not the colored people apprehensive, in your section, of trouble during the election?—A. They were.

Q. On the day of election was it not reported at your poll that the ballot-box would be taken from the managers?—A. It was. A great talk before the election, but on the day of election everything was calm.

Q. After the votes were counted, the statements made out and signed, and the election entirely over, did not some persons sit up with you all night to guard the ballot-box, you being the chairman of the managers in the charge of the same?—A. Yes, sir.

Q. About how many?—A. Seven of us staid together.

Q. When the election closed how was the ballot-box fixed up?—A. Sealed up, and we delivered the box in the same condition, excepting that one of the papers on the end of the box slipped off, from putting the box in a bag, but it was locked and the seal over the key-hole untouched, with also the seals on the other end of the box.

Q. Did the clerk at your poll faithfully take down the names of all the voters and keep a correct list?

(Objected to any question as to this witness, except to two or three first, as being leading, and to an answer based upon opinion.)

Cross-examination :

Q. What oath did you administer to the voters that day?—A. I made them hold up their right hand and say, "You solemnly swear that you have voted nowhere else to-day." It was a printed oath.

Q. Can you repeat anything more of the oath?—A. No, sir; I do not recollect it this time.

Q. Who administered the oath to the voters?—A. Mr. Paul Mislow, one of the managers.

Q. Were you the chairman?—A. I was.

Q. Who was United States deputy marshal at your poll that day?—A. No one that I know of.

Q. Who was United States supervisor at that poll?—A. Mr. Shaw and Mr. Tuomey.

Q. Was Mr. Tuomey a candidate on the republican ticket for school commissioner?—A. I think he was.

Q. Was there any attempt made to take the ballot-box from the managers?—A. None.

Q. Was the clerk at your poll sworn as clerk?—A. I do not remember; I think he said he was sworn at Sumter; I don't remember whether he was sworn by the managers or not.

Redirect :

Q. You were asked to repeat the oath that was administered to the voters and said you could not remember much of it; was it not printed, and did it not require all of them to swear that they were qualified to vote according to the Constitution of this State and of the United States?

(Objected to as leading.)

A. It did, and they all took that oath.

SENTRY ^{his} + HOLMES.
mark.

Sworn to and subscribed to before me this 29th day of March, 1877.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

W. J. ANDREWS (colored) recalled and sworn.

Question. It appears, from the proof in this case, that some of the United States supervisors of elections and one of the deputy marshals were candidates for office on the county tickets; please state why this is so.—Answer. There is eighteen voting-precincts in this county; the election law requires that the persons appointed for such offices should be able to read and write, and we were compelled to appoint some of the men, candidates for offices, for that position, owing to the fact that without them we did not have enough to fill the republican portion of it. There were two republicans and one democratic manager at each poll, and after filling the two managers' places with republicans that were qualified for the positions, we found we could not get persons to fill the places of supervisors, excepting by taking some of the candidates; other persons who were competent refused to serve, being allowed nothing for their services, and there being also a democratic supervisor at each poll where there was a republican one, and they being unable to have any control over the election, their duties being to sit by and scrutinize the vote and forward the election returns to the chief supervisor.

Q. Do you know A. J. Moses, who testified for contestant? He says hat he heard or thinks he heard you and Marcus Spann both say that

the soldiers were brought here to cause or make colored people vote the republican ticket, or words to that effect; what about it?—A. I never had a conversation with Mr. A. J. Moses on the subject, and never told him so nor any other person, or anything similar. I did not know myself that they were to come till they came to town.

Cross-examination :

Q. Do you mean to say in your answer to the first interrogatories-in-chief that all the republican managers at the last general election could read or write?—A. I mean to say that one republican manager at least was at each precinct could write, and all could read, I believe.

Q. You say, I believe, that the election-law requires that they should all read and write; please tell if the chairman even of the board of managers at each one of the precincts could write?—A. I don't know who was elected chairman of the managers at the different precincts.

Q. A great many republicans have given their testimony in this case for the contestee, and some of them have shown that they could both read and write, though the larger majority could not write; why could you not have appointed some of the republicans who could write managers or supervisors in place of appointing candidates supervisors? and, in answering this question, you will please bear in mind that the managers were provided to be paid and can be forced to act.—A. I had nothing to do with the appointing of the board of managers. I will state, as far as the supervisors are concerned, that we were informed that the large number of persons requested to act as supervisors, and no pay to be given for such services, declined, and some of the candidates had to act in their places.

Q. Are you a member of the republican executive committee for this county?—A. I am.

Q. I think you stated, when you were examined before, that W. E. Johnston, the chairman of the executive committee, was not very often present with the committee, but you made statements which led me to infer that you were usually present; did not the executive committee decide to ask for the troops to be sent to Sumter?—A. I stated in my examination that the question of bringing troops here was brought up, talked over, and laid on the table. I was not present at the succeeding meeting, and don't know what was done. If it was decided in the executive committee, it was done only a week before the election.

Q. W. E. Johnston, chairman of the committee, and republican senator from this county, stated that he was opposed to the coming of the troops; from what you say am I to infer that you either were indifferent or opposed to their coming?—A. I thought we did not need them here; that we could get along without them here, because I did not think they could change the result of the election one way or the other. While a good many republican voters thought there might be some difficulty, from rumors circulated through the campaign, and the places where the majority was had by the republicans the boxes were to be taken and destroyed by the democrats, some of us thought differently and thought there would be no difficulty.

Q. Did you make your views as now stated be known in the executive committee?—A. I think I did.

Redirect:}]

Q. In your direct testimony, where you say the law requires parties to read and write, did you refer to supervisors or managers?—A. To supervisors; there being nothing in the law requiring the managers to read and write that I know of.

Q. After getting two good republican managers at each precinct, did not the republicans find themselves unable to find proper parties for supervisors for some of the polls?—A. They did; there is no pay attached, and the parties refused to serve.

Q. You don't know whether the troops came here at the request of the democrats or republicans?—A. I do not know.

Q. Have you not heard that the democrats requested troops in some portions of the state?—A. I have; in such counties where the republicans had the majority the News and Courier suggested the calling for troops.

(Objected to the last question as leading, and so much of the answer as is based on hearsay.)

W. J. ANDREWS.

Sworn to and subscribed to before me this 30th day of March, 1877.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

JEFFERSON KEITH (colored) sworn.

Question. Do you know Abram Ruffan?—Answer. I do.

Q. He said that while returning from Wedgefield he was riding in the buggy with Senator Johnston, and that you stopped him and threatened him, &c.; what about this?—A. I did not say anything to him of any harm; he was to me for something to drink; I gave him two drinks; he came to me again for more whisky; I told him to go to his own party; did not wish to have anything to do with him; he was talking against the republican party, and I was running on with him some; that it was no madness at all; he was pretty drunk; lost his hat, and never got it for a week afterward.

Q. You did not hear anybody threaten him or offer any harm or violence?—A. I did not.

Q. Did this Abram Ruffan go through the county making democratic speeches?—A. I think he was.

Q. Were not a good many democratic colored people in your section of the country?—A. A good many.

Q. Do you know of any being threatened or hurt in any way by colored people for being democrats?—A. I have not.

Q. What effect did the presence of troops here have upon the colored voters?—A. None that I know of; think they all voted just as they pleased, as far as the troops are concerned.

(Objected to leading questions, and answers based upon hearsay.)

Cross-examination:

Q. How much liquor did you have at Wedgefield that day?—A. I did not have any.

Q. How many drinks did you take yourself?—A. Some two or three.

Q. What was it that you said to W. E. Johnston about Ruffan riding in the buggy with him?—A. I told him he ought not to let Ruffan ride with him. I spoke this in fun.

Q. What was it you told him to do with Ruffan?—A. I just told him not to let Ruffan ride with him.

Q. Where is your son, Jeff Keith, this year?—A. Staying with me.

Q. How comes he to be with you this year?—A. He and young Willie Reese could not make arrangements for the present year. W. Reese wanted the house.

Q. What did Willie Reese want with the house the present year?—A. To put some contract hands in; my son was a renter last year.

Q. Did Willie Reese turn him off, or how was it he left?—A. I don't

know; there was a little argument between them, but I don't know what it was.

Q. You know nothing more of his leaving except what you have stated?—A. I do not.

Redirect:

Q. You say you gave Ruffan two drinks of whisky, and you say you did not have any in the cross-examination; explain this.—A. I understood the question to be, "How much did you carry to Wedgefield?" I did not carry any, but bought the whisky I drank myself and gave to Abram Ruffan at Wedgefield.

Q. Don't you know that Willie Reese did not rent your son the land on account of him voting the republican ticket?—A. I heard that he was going to charge the ones voting the republican ticket \$2.50 per acre, when my son last year paid him only \$2 per acre.

Q. Were not threats made before the election about refusing to rent lands to persons voting the republican ticket?—A. There was.

JEFFERSON ^{his} + KEITH.
mark.

Sworn to and subscribed to before me this 30th day of March, 1877.

FRANK F. TEICHER,
Notary Public.

BRISTOW ARMSTRONG (colored) sworn.

Question. Where, and in what capacity, were you on the last day of election?—Answer. A manager at Swimming Pens.

Q. Who were the three managers at your poll?—A. Myself, D. Emory, and McLeod, the latter being the democratic manager.

Q. Were there any United States supervisors there?—A. James Rembert, democrat, and J. W. Westbury, a republican, acted as supervisors.

Q. Did you conduct the election fair and square in every particular?—A. We did; and everything was quiet and peaceful.

Q. Did you hear anything of a rifle or saber club in your neighborhood before the election?—A. I heard of it, but did not see anything of it.

Q. Were there not a great many threats made by land-owners in your neighborhood not to rent any lands, &c., to colored people voting the republican ticket?—A. There were threats to that effect.

Q. What effect did such threats have upon the colored people?—A. I believe a great many colored people did not vote on account of these threats, but staid at home. I know several.

Q. Don't you know that some joined the democrats on account of the threats who otherwise would have voted the republican ticket?—A. I can't say that; but I believe all that went to the polls voted as they desired.

Q. What effect did these troops have upon the colored voters in your precinct?—A. I don't believe they had any at all.

Q. If they did have any effect at all, was it not simply to assure everybody that they could vote as they pleased?—A. Of course; I believe that.

Q. Did you hear of any threats made by republicans during the campaign that the troops came here to make them vote republican?—A. I did not during the whole campaign.

(Objected to all leading questions, and to all answers based upon opinion and hearsay.)

Cross-examination:

Q. The J. W. Westbury who was the republican supervisor at Swimming Pens, was he a candidate on the republican ticket?—A. He was.

Q. Was R. C. Westbury also a candidate on the republican ticket?—A. He was also a candidate.

Q. Where was it that R. C. Westbury acted as a supervisor?—A. I think he acted as supervisor at Mount Olio.

Q. Were you present in Sumter when the county board of canvassers opened the box?—A. I don't know that it was opened, and if it was opened I was not present.

Redirect:

Q. Who managed the election and counted the votes at your poll?—A. The managers, with their clerk.

Q. Did the supervisors have anything to do with the election?—A. They did not; they were there to look on, keep a list of voters, and challenge voters who they did not think were old enough to vote.

BRISTOW ^{his} + ARMSTRONG.
mark.

Sworn to and subscribed to before me this 30th day of March, 1877.
[SEAL.]

FRANK F. TEICHER,
Notary Public.

A. L. SINGLETON (colored) sworn.

Question. You have been heretofore examined by contestant in this case, and it appears from your testimony that you are a deputy United States marshal for this county; also, it is alleged by witnesses that you took an active part in distributing tickets on the day of election; please make a statement in relation to this matter.—A. I took no part in the distribution of tickets on the day of election, only gave some tickets to Mr. Epperson, a democrat, at his request, both democratic and republican, he saying he wanted to make some changes. I got them for him for that purpose, but gave no tickets to any voter for the purpose of voting. My instructions to the special deputy were to take no part in the election, but to see that every one voted as they pleased.

Q. Have you at any time, either before or after the election, heard any complaints either from the democrats or republicans?—A. I have not.

Q. Did the troops here interfere in any manner with the free exercise of the voters' right to vote?—A. The troops did not interfere in any way whatever; they staid in their quarters all day. Major Kelly told me that he was subject to the orders of the United States marshals instead of the sheriff. I told him that if I wished to see him I go to see him.

Q. In your opinion, did the presence of the troops influence the result of the election one way or the other, except to assure everybody of the privilege to vote as they pleased?—A. Everybody, both republican and democrat, I believe, felt that they could vote just as they pleased.

Cross-examination:

Q. In your opinion was there any necessity for troops here at all at the time they were?—A. I really don't know how to answer the question. There were rumors of intimidation and bribery; sometimes I thought there was need for them, sometimes I thought there was not.

Q. What position did you hold in the militia of South Carolina?—A. As major on the staff of General Swails.

Q. Was there a militia company organized in the county?—A. There was about four or five years ago.

Q. How many stands of arms were sent to this county?—A. I think one hundred and seventy-five were sent to this county.

Q. How many were issued to the militia company?—A. Between 75 or 100, with the understanding to be kept at the jail for safe-keeping.

Q. Were they really kept there for safe-keeping, or did the parties keep them in their own charge?—A. Many of the company got to keep them in their own charge.

Q. What became of the surplus that was not issued out?—A. They were kept in the jail.

Q. Were the guns in the hands of the militia company referred to ever called in by any order issuing from the military authorities?—A. Not to my knowledge.

Q. Was not the jail at the time it was burned in the charge of your father, Jacob D. Singleton?—A. It was.

Q. Were you not frequently there?—A. I was.

Q. You had then the opportunity of knowing about how many of the said guns were destroyed in the jail when it was burned; please state about how many were thus destroyed.—A. Two or three boxes of guns that were never opened were burned, and a few guns, also, that were left by the members of the company referred to; that is, Scott's Rifle Guard.

Q. Of the guns left by members of the company as you stated in your last answer, were they more than 8 or 10?—A. I cannot say how many, but there were a few burned out of the 75 or 100 that were issued out.

Q. Were there any democrats appointed deputy United States marshals at the last general election in this county?—A. None to my knowledge.

Q. Who were they selected by?—A. By the republican executive committee of this county.

Q. Were there any white men among them, and, if so, who?—A. I cannot tell who, but there were four or five white men who, I presumed were republicans. I did not question them at all as to their politics.

Q. You did not do the appointing yourself?—A. I did not; they were appointed by the United States marshal of the district of South Carolina by the request of the republican county chairman.

Q. Do you know that any of them were democrats?—A. I do not.

Redirect:

Q. Did you hear any complaint from democrats or republicans against the deputy marshals of this county as to the manner in which they performed their duties on election day?—A. I was very particular to inquire at every precinct where the deputies were stationed as to their behavior and heard no complaints from any source.

Q. How long since the disbanding or disorganization of the militia company that you speak of?—A. Three or four years.

Q. Don't you know that this company since that time has never assembled for drilling or other purposes?—A. Not to my knowledge.

Q. So there was no State militia in the county during this last campaign?—A. None to my knowledge.

A. L. SINGLETON.

Sworn to and subscribed to before me this 30th day of March, 1877.
[SEAL.]

FRANK F. TEICHER,
Notary Public.

Col. T. B. JOHNSTONS recalled.

Question. What were the duties of the supervisors of the election at the different polls to which they were appointed?—Answer. At the pre-

cinct where I was a supervisor, at Lynchburg, we kept a list of all the voters as they voted, which might be called a duplicate of the managers' list; and if at any time a man came up who was challenged, we took a note of it, and noted such other facts as needed to be made a note of; would also state that on several occasions we were called upon to decide questions referred to us by the managers, but we informed them that we had no voice in the election, and took such notes as we thought proper, and forwarded them to the chief supervisor at Columbia.

Q. It appears from the testimony in this case that some of the supervisors were also candidates on the county ticket; what caused this?—

A. At the meeting of the executive committee held for that purpose by the republicans to recommend managers and supervisors of election for the several precincts in the county, we selected the most intelligent men we could find in the county for supervisors especially, regardless whether they were candidates or not. We had but very few to select from. This accounts for the fact that in some instances we had to take candidates for office to fill the place of supervisors. If these positions could have been filled by competent men without having to take in some of the candidates, I have no doubt it would have been done.

Cross-examination :

Q. The question which precedes your last answer states that some of the supervisors were candidates on the "county ticket." Was not there but one general ticket, embracing the State officers, the electors for President and Vice-President, members of Congress, and the county officers, all on one ticket?—A. All on one ticket.

Redirect :

Q. Did you in any way interfere with the election, or the counting of the votes, when you were a supervisor?—A. I did not.

T. B. JOHNSTON.

Sworn to and subscribed to before me this 30th day of March, 1877.
[SEAL.]

FRANK F. TEICHER,
Notary Public.

DAVID SALTERS, (colored,) sworn.

Question. During the election did you live in this county?—Answer. I did; about three miles from town.

Q. How long have you been living in this county?—A. I was born and raised here.

Q. Are you a republican or democrat?—A. A republican.

Q. How did you vote at the last election?—A. I voted the democratic ticket.

Q. How came you to vote the democratic ticket when you say you are a republican?—A. The reason why I did it is, I found out that the democrats had said that they would stick to the ones that stuck to them; and as I was getting my support from the democrats, I was obliged to vote the democratic ticket.

Q. Were you not told that if you voted the republican ticket you would not be furnished supplies, nor rent any lands?—A. I was told that.

Q. Did not threats of that sort make you vote the democratic ticket?—A. Certainly it did.

Q. If it had not been for these threats, would you not have voted the republican ticket?—A. Certainly I would, for I always voted it.

(Objected to, as leading questions.)

Cross-examined:

Q. Did any one threaten you with personal violence or injury if you voted the republican ticket?—A. No; nothing more than I tell you.

Q. Have you not always and frequently heard from the democrats that you had a right to, and that you should be allowed to vote just as you pleased?—A. I have; I so told Mr. Snyder, and he told me that the democrats had a right to do as they pleased with what was theirs.

Q. You did not vote the democratic ticket, then, because you were afraid to vote the republican ticket, but because you thought your best interest lay in voting that ticket?—A. Yes; I got my support from the democrats, and I thought it was interest to go with them, because I thought they would not supply me if I voted the republican ticket.

DAVID ^{his} + ^{mark.} SALTERS.

Sworn to and subscribed to before me this 30th day of March, 1877.
[SEAL.] FRANK F. TEICHER.

Notary Public.

JOSEPH SUMTERS (colored) sworn.

Question. It appears that a militia company was organized in this county some years ago; when was it?—Answer. During the last two years of General Scott's administration.

Q. Who was captain of this company?—A. Simeon Pearson, first captain, and served one year or a little more; then I was elected.

Q. When was the company disbanded?—A. About 1873.

Q. Has it been in existence since?—A. We tried to reorganize the company, but finding that more guns had been destroyed by the fire than we anticipated, we could not reorganize; this attempted reorganization was in 1874.

Q. You were the last captain?—A. I was.

Q. You say a few guns were not burned, and scattered about the county; how many are there?—A. About fifteen or twenty; but I consider twenty the outside.

Q. While the company was in existence, where were the guns usually kept?—A. At the jail.

Q. You say some few of the guns were not burned; please state, if you know, how they happened not to be in the jail.—A. A few of the men wanted to keep their guns clean, and had safe places for them at home, and were allowed to keep them at home; all the balance were kept at the jail.

Q. Was there any State militia in this county during the campaign?—A. None.

(Object to all leading questions and answers based upon hearsay and opinion.)

Cross-examination:

Q. Have you ever had any occasion since the company was disbanded, as you state, in 1873, to visit the jail before it was burned and see how many arms were deposited there?—A. Very often; because the arms were there before it burned down, and the company was not disbanded till the arms were burned.

Q. Were you present with the company, and did you accompany the members after the last drill they had before the jail burned?—A. I was.

Q. How long after you drilled the last time was it before the jail was burned?—A. After we got to drilling, first we drilled every Saturday, and afterward every fortnight.

Q. Do you know one Rev. William Harris?—A. I do.

Q. Where did he work last year?—A. He worked on J. S. Richardson's place.

Q. Did he leave there at or upon his own request to do so?—A. He did.

Q. Please state what you heard him say, and to whom he was talking.—A. Another man on the place, and said Harris had a falling-out; the man he had a falling-out with had a peace-warrant taken out for him; Harris appeared before the trial-justice; went back home and went to David M. Richardson, who was in charge of J. S. Richardson's place, and said, "Mr. Richardson, I can't stay here; I will have to leave the contract." Then Mr. David Richardson said, "What is the matter now, Harris?" Then Harris replied, "Jamey Singleton had a peace-warrant taken out against me, and I cannot stay here because I am under bond, and if I stay I be certain to break the bond." Mr. Dave Richardson then told him, "You have to do what you think best."

Q. After this do you not know that the said Harris did leave the place?—A. He did leave the place.

Q. Were you in the employ of J. S. Richardson last year?—A. I was not.

Q. Are you in J. S. Richardson's employ this year?—A. I am not.

Redirect:

Q. You were not present when it has been said that Mr. Richardson called upon his hands on the place into the yard in relation to voting?—A. I was not; I did not live on the place.

Q. Do you know that there was a fuss between Harris and Singleton?—A. I heard Harris say that they had a dispute.

JOSEPH SUMTER.

Sworn to and subscribed to before me this 30th day of March, 1877.
[SEAL.]

FRANK F. TEICHER,

Notary Public.

The contestee's attorney notifies contestant that he will transmit to the clerk of the House, to be printed with and preceding the testimony of J. H. Rainey, taken in the county of Sumter, South Carolina, the printed case or petition of J. S. Richardson, containing grounds of contest, with the answer of J. H. Rainey.

The contestant objects to the printed copy of grounds of contest and answer of Joseph H. Rainey above referred to being printed with, and used as a part of, the case to go before the Committee on Elections, on the grounds: First, because it does not appear that the said printed case which is printed by Mr. Rainey is a true and correct copy, either of the grounds of contest or the answer thereto; second, because the said printed case does not show when the answer of the said Joseph H. Rainey was served upon contestant; and third, because the acknowledgment of service of answer upon the contestant, and the terms of such acknowledgment contained in a written letter from contestant to the said Joseph H. Rainey, is nowhere to be found in the said printed case as prepared and printed at the instance of the said Joseph H. Rainey.

UNITED STATES OF AMERICA.

State of South Carolina, First Congressional District:

JOHN S. RICHARDSON, CONTESTANT,	}	Contested congressional election.
<i>against</i>		
JOSEPH H. RAINEY, CONTESTEE.		

I, Frank F. Teicher, notary public in and for the State of South Carolina, do hereby certify that the foregoing three hundred and fifty-eight pages of testimony was taken by me, as notary public, at Sumter, in the county of Sumter, South Carolina, on behalf of the contestee, commencing in accordance with notices attached on the 20th day of March, and concluding on the 30th day of March, 1877, being adjourned from day to day, as mentioned in said notices; that the witnesses came before me then and there, and were duly sworn and examined; that the questions propounded and answers given were written down in presence of said witnesses respectively, and also in presence of counsel of contestant and contestee, and after being so written down was duly attested by said witnesses, as required by law.

Given under my hand and seal of office at Sumter, in the county and State aforesaid, this 30th day of March, A. D. 1877.

[SEAL.]

FRANK F. TEICHER,
Notary Public.

TESTIMONY FOR CONTESTANT IN REBUTTAL.

Notice to take testimony in rebuttal.

JOHN S. RICHARDSON, CONTESTANT,	}	Contested election.
<i>vs.</i>		
JOSEPH H. RAINEY.		

SOUTH CAROLINA,
First Congressional District.

To JOSEPH H. RAINEY:

You will take notice that I shall take testimony in rebuttal before Donald J. Auld, notary public, at Sumter, S. C., on the 18th April inst. The testimony to be read and used as evidence in the cause above stated, and the examination to be adjourned from day to day. I will examine the following-named witnesses, all residents of Sumter County, South Carolina. to wit, James D. Blanding, E. W. Moise, John I. Dargan, Joel E. Brunson, James G. White, J. H. Dingle, Harmon Schwerin, I. C. Spaim, Willie Reese, Samuel R. Earle, Isaac Bradley, Robert Lowry, W. E. Mills, J. A. Mills, D. J. McDaniel, Fayette Smith, J. M. Plowden, E. D. Shiver, John B. Tindall, John H. Furman, A. I. China, W. S. Richardson, John D. Craig, H. G. Shaw, J. A. Rhame, James Wilson, R. J. Anderson, W. J. McLeod, J. S. G. Richardson, Guignard Richardson, Joshua Myers, D. M. Richardson, Horace Bradley, Henry Singleton, Bingley Campbell, Alphius Baker, Andrew Baker, Polette A. Sanders, Thomas D. McLeod, W. E. Jennings, T. D. Foxworth, John Hudson, J. H. McLeod, Gadsden Nelson, Benjamin Weeks, Anthony Martin, Thomas Boone, C. A. Shaw, John W. Dargan, Manigault James,

D. E. Keels, Samuel Lee, March Glover, J. A. Rhame, E. H. Holman, Joe Cooke, W. J. Singleton, Charles Sumter, John Nichols, W. H. Smith, George W. Brown, J. J. McKellar, O. Blanding, W. M. Graham, R. M. Montgomery, Harvey Reese, Anderson Clark, Jake McLeod, Robert Hickson, Thomas Handcock, J. Harvey Wilson, H. H. Wilson, Elias Williams, J. C. Haynsworth, Benjamin Folsom, John E. Brown, M. R. Wilson, Robert Jackson. Sikes Bryan, Richard Reynolds, J. W. Stuckey, J. B. White, D. A. Foxworth, G. W. Bradford, Charles Magrant, Charles T. Mason, A. H. Frierson, Marion Sanders, W. B. Moses, D. J. Auld, D. J. Winn, C. H. Moise, E. C. Green, James Booth, Isham Robertson, Loudon Sumter, J. H. Burgess, W. H. Burgess, O. M. Crane, P. T. Caraway, J. H. Cooper, T. P. Sanders, W. D. Hinds, J. J. Durant, John A. Kelley, S. F. Flowers, J. M. Epperson, W. H. Epperson, Rev. E. A. Edwards, J. L. Yates, David Robertson, Donald Robertson, T. B. Jackson, J. B. Fort, Ed. I. Rembert, Morris Wilson, Alfred Brunson, F. J. Mayes, J. A. Mayers, Robert Moore, Isaac Montgomery, William Frierson, Dow Merryman, Jack Pringle, W. J. Pringle, Thomas Pringle, R. M. Lenin, George Cato, Garbert Wienges, Hugh Oxendine, Paul Brown, Wallace Sanders, Joe Reddin, T. B. Fraser, C. M. Hurst, R. B. Cain, W. O. Cain, Peter Mellett, R. D. Lee, James Reed Muldrow, R. G. Witherspoon, J. H. Cooper, T. P. Sanders, W. B. Murray, Matt. Brooks, H. W. Waties, J. D. Graham, Ed. O'Riley, T. O. Sanders, W. J. Durant, Jerry Croghan, W. R. Delgar, H. G. Shaw, M. G. Ramsey, W. A. Ramsey, C. R. F. Baker, W. F. Deschamps, Jocok Keels, H. E. L. Peebles, W. D. Carnes, Charles Spencer, T. N. Haggins, John Craig, James M. Jennings, James S. Folk, John F. Ballard, J. D. Singleton.

Sumter, S. C., April 13, 1877.

JOHN S. RICHARDSON.

STATE OF SOUTH CAROLINA,
Darlington County.

Personally appears Calvin Josey, sheriff's deputy for said county, who, on oath, says that he served the within notice personally on D. D. McCall, attorney for Joseph H. Rainey, in the case stated, by leaving with him a copy of the same at Darlington Court-House, in said county, on the 13th of April instant.

COLINER J. WING.

Sworn before me the 14th April, 1877.

[SEAL.]

J. J. WARD,
Notary Public.

Notice to take testimony in rebuttal.

JOHN S. RICHARDSON, CONTESTANT,	}	Contested election.
vs.		
JOSEPH H. RAINEY, CONTESTEE.		

SOUTH CAROLINA,
First Congressional District:

To JOSEPH H. RAINEY:

You will take notice that I will examine the witnesses named below in rebuttal in addition to those I have already named, all residents of Sumter County, South Carolina, to wit: at Sumter, S. C., Rev. N. W.

Q. Were you not the democratic nominee and candidate for solicitor of this the third judicial circuit, and did you not take an active part in the campaign?—A. I was the nominee for solicitor, and took an active part from the time of my nomination (about the middle of August) to the close of the campaign.

Q. Several of the witnesses for the contestee have testified that the policy of the democratic campaign, as inaugurated in this State, was one of intimidation and force, and that policy was advocated by the leading democratic journals of the State, and carried out in practice; is this true?—A. It is not true.

Q. State such facts within your knowledge as contradicts such statements.—A. The whole spirit and plan of the democratic campaign was utterly opposed to the idea of force or intimidation for the purpose of procuring votes. This is clearly shown by the evidence which I herewith submit:

1st. Platform of the democratic party of South Carolina:

"THE PLATFORM.

"The democratic party of South Carolina, in convention assembled, announces the following as its platform of principles—

"We declare our acceptance, in perfect good faith, of the thirteenth, fourteenth, and fifteenth amendments to the Federal Constitution. Accepting and standing upon them we turn from the settled and final past to the great living and momentous issues of the present and the future.

"We adopt the platform of principles announced by the national democratic party, recently assembled at Saint Louis, and pledge ourselves to a full and hearty co-operation in securing the election of its distinguished nominees, Samuel J. Tilden, of New York, and Thomas A. Hendricks, of Indiana, and believe that under the wise and just administration of its distinguished reform leader, assisted by the eminently patriotic and able counselors by whom he will be surrounded, peace and prosperity will again bless our country, and the dissensions, confusion, and maladministration of the past eight years will give place to concord, good government, and a thorough restoration of the Union.

"In accordance with the declarations of that platform, and the utterances and acts of our distinguished leader, we demand a genuine and thorough reform in the State of South Carolina, and call upon all of its citizens, irrespective of race, color, or previous condition, to rally with us to its redemption, for it is evident that substantial and lasting reform is impossible within the ranks of the republican party of this State.

"We charge that party with arraying race against race, creating disturbances, and fomenting difficulties; with prostituting the elective franchise, tampering with the ballot-box, and holding unfair and fraudulent elections; with having accumulated an enormous debt, mismanaged the finances, and injured the credit of the State; with levying exorbitant taxes and squandering them when collected, thus wringing from the toil and livelihood of the honest poor man of the State a large percentum of his hard earnings without giving in return any compensation therefor, and has hopelessly involved in debt a majority of the counties of the State.

"Its management of our penal and charitable institutions is a shame and a disgrace.

"We charge its legislation as demoralizing, partisan, and disgraceful; and the venality and corruption which have characterized every

branch of the government, executive, legislative, and judicial, have no parallel in the history of nations.

"It has created a multiplicity of unnecessary and useless officers complicated in their system and unnecessarily expensive, and to crown its disgraceful rule it has attempted to elevate to the bench two most corrupt and degraded men.

"It can never purify itself, give good and impartial government, or by its moral force and character exercise, in its full sovereignty, the law of the land.

"We do not charge this condition of things, which every patriot must deeply deplore, upon the masses of the party, but upon their leaders, who have made such fatal use of their confidence and trust, for it is our firm conviction that all the good people of the State, of both races, desire peace and prosperity.

"We therefore will call upon all of our fellow-citizens, irrespective of race or past party affiliation, to join with us in restoring the good name of their State, and to again elevate it to a place of dignity and character among the commonwealths of this great country.

"We discountenance all disturbance of the peace of the State, and denounce all instigators and promoters thereof, and earnestly call upon all of our own fellow-citizens, irrespective of party lines, to exercise forbearance and cultivate good-will. And if the government of the State is committed to our control, we pledge ourselves to protect the persons, rights, and property of all its people and to speedily bring to summary justice any who dare violate them.

"We desire a fair, peaceable election, appealing to the reason and not the passion of the people, and demand of the republican party a fair showing in the appointment of commissioners of election.

"We demand a fair election and a fair count.

"We call upon all of the patriot sons of Carolina to join us.

"We ask but a trial of committing the State to our keeping, and if good government, security, protection, and prosperity do not dawn on an overtaxed, despoiled, and disheartened people, then drive us from power with scorn and indignation.

"Our object is reform, retrenchment, and relief; that by honesty and economy we may reduce the taxes and lighten the burdens of the people, giving, at the same time, absolute security to the rights and property of all.

"Upon this paramount issue we cordially invite the co-operation of every democrat and republican who is earnest and willing in this crisis of our State to unite with us in this great work."

2d. Speech of General Hampton accepting the nomination for governor :

"SPEECH OF GENERAL HAMPTON.

"*Mr. President and Gentlemen of the Convention:* In accepting the honorable post to which you have called me, that of your standard-bearer in the great struggle for reform which you have begun, I do so with the most grateful appreciation of your kindness, and the most profound sense of the high duties, the grave responsibilities, pertaining to the position. In the better days of our country, when the surest passports to official station were found in the ability, the honesty, and the integrity of her public servants, the most distinguished sons of South Carolina looked upon the chief magistracy of the State as the goal of their highest ambition, and the best reward of their public services. If men of whom Car-

olina is justly proud, held in such deserved estimation the distinction of being thought worthy by their fellow-citizens of the highest office in the gift of the State in the days of her prosperity and peace, how much more highly should I esteem the honor you have done me by calling me unanimously to lead you in this hour of gloom and peril. You are struggling for the highest stake for which a people ever contended; you are striving to bring back to your prostrate State the inestimable blessings which can only follow orderly and regulated liberty, under free and good government. We believe that these blessings can only be secured by a complete change in the administration of our public affairs, national and State, and, believing this, our sympathies and our interests lead us naturally and inevitably into alliance with that great party upon whose banners are inscribed the watchwords of democracy—reform, good government, hard money, and home rule.

“You have indorsed and ratified the platform of the democratic party adopted at Saint Louis, and planting yourselves firmly on that, you look forward hopefully and confidently to a victory in which you will not only share, but to which you will have contributed. The platform which you have adopted here is so catholic in its spirit, so strong in its foundation, so broad in its construction, that every man in South Carolina who honestly desires reform can find room to stand upon it. With such a platform, where our citizens of all parties and all races can stand assured of equal rights and full protection, you can surely bring back to our distracted State the great blessings of good government.

“As for myself, should I be elevated to the high position for which you have nominated me, my sole effort shall be to restore our State government to decency, to honesty, to economy, and to integrity. I shall be the governor of the whole people, knowing no party, making no vindictive discrimination, holding the scales of justice with firm and impartial hand, seeing as far as in me lies that the laws are enforced in justice tempered by mercy, protecting all classes alike, and devoting every effort to the restoration of prosperity and the re-establishment of honest government.

“Thanking you, gentlemen, for the honor you have conferred upon me, and invoking the blessing of God on your praiseworthy effort to redeem our State, I here pledge myself to work with you in that sacred cause with all the zeal, all the energy, all the ability, and all the constancy of which I am capable.”

3d. Speech of General Hampton at Darlington, on the 23d day of September, 1876, the first made by him in this congressional district, and the proceedings at that meeting:

“Hampton in Darlington—A great day for the cause—The brightening political skies—Immense outpouring of the Darlington democracy—The speeches of Hampton, Conner, Richardson, Kennedy, and Moise—Storming one of Whittemore’s strongholds.

“[From our special phonographic reporter.]

“DARLINGTON, S. C., Saturday, September 23.

“The great work, so well begun in the mountains, goes grandly on toward the seaboard. With resistless sweep the wave of democratic enthusiasm has burst upon Darlington, and to-day this quiet and pretty village was the scene of a demonstration without a parallel in its history. General Hampton, General James Conner, Col. L. F. Youmans, Col. E.

W. Moise, General John D. Kennedy, Col. John S. Richardson, and others arrived at Florence at midnight on Friday, and, with the Graham brass-band at their head, the party were swiftly borne to Darlington by a special train which left Florence at 9 a. m. On arriving at the depot, the party were met by Col. John A. Law, the chief marshal of the day, and the county chairman, and were conveyed to the residence of Captain Edwards in carriages. While the party were refreshing themselves at Captain Edwards's, the cavalcade and procession was being formed, and at half past ten o'clock the party again occupied the carriages, and were driven to the Academy Grove, where the speaking was to take place, followed by a procession of 2,100 horsemen, and as many on foot, bearing banners and transparencies with significant and appropriate inscriptions. One of these latter is worthy of note. Upon a little tuft of green earth stands a hog with tail curled up like a corkscrew, and upon whose hide the single but very expressive word "Cadetship" is branded. In the mouth of the grunter is a carpet-bag marked "Printing," and above the animal is \$11 00 in black letters, ingeniously altered by the insertion of two red marks across the elevens into \$44 00. Old Whittemore knew what it all meant, and he did not show his huge proportions during the day, but as the procession moved up the main street a beautiful picture presented itself. Framed by the window-sash, and with five negro-wenches leaning over his shoulders, as a becoming background, the Radical Whip of Darlington squinted out at the honest people going by. On arriving at the stand, an immense multitude had assembled, among whom were fully five hundred colored people, and, after a few preliminary airs by the bands present, the meeting was called to order by Colonel Law, who stated in opening that he had extended an invitation to the Union republican party to be present and participate in the proceedings of the day, but, as the subsequent correspondence would show, they had positively declined to be present.

"Colonel Law then read the correspondence, as follows :

"DARLINGTON, S. C., *September 7, 1876.*

"Mr. THOMAS C. COX,

"*Chairman Union Republican Party of Darlington County:*

"DEAR SIR: A grand mass-meeting will be held by the democratic party of Darlington County, at Darlington Court-House, on Saturday, September 23, 1876. The meeting will be addressed by General Hampton, the democratic candidate for governor, and other distinguished gentlemen. We cordially invite the Union republicans to be present at that time, and to participate in the discussions. If this invitation is accepted, I will be ready, at any time, to arrange a programme with you, and assure you that everything will be conducted in a fair and honest manner.

"Respectfully,

"J. A. LAW,

"*Chairman Democratic Party Darlington County.*"

"DARLINGTON, *September 21, 1876.*

"Mr. J. A. LAW,

"*Chairman Democratic Party of Darlington County:*

"DEAR SIR: In reply to your communication of the 7th instant, inviting the republicans to participate in the discussion on the 23d instant, I have to say that the Union republican party most respectfully decline to participate in said discussion.

"Respectfully,

"J. A. SMITH,

"*Chairman Union Republican Party Darlington County.*

"Colonel Law then introduced General Wade Hampton, who, amid thunders of repeated applause, spoke as follows:

"REMARKS OF GENERAL HAMPTON.

Fellow-citizens of Darlington: Coming as I have just done from those meetings in the mountains, in those mountains where liberty is born and loves to dwell, seeing there our brothers assembling in thousands, the women, the children, the colored people all joining in one grand movement, I am surprised and inspired in coming here to see that the people of the middle country have caught up that grand enthusiasm that is rolling downward from the mountains and joining in that noble anthem whose chorus is "God save our State." When I come here and see you actuated by the same earnestness, I feel borne up with pride and hope of success. I feel satisfied that we shall go on our triumphant march to the sea with confidence renewed and hopes turned almost to certainty. Let me give you some idea of what has been the plan and scope of our campaign hitherto. We must act in concert. In the up-country, the men, women, and children of all races were present, and we, the standard-bearers in the cause of reform, have spoken out to them all, and presented to their minds the vast consequences of the struggle before us. I say to you here, and I wish it to be distinctly understood, that I am not speaking as a partisan. I do not come before the people as a candidate in my own name. Far from it. You know that there is no official emolument, no office on the face of this earth, that I would have accepted had I not believed that I could have been in some way of service to our State. That was the only motive that actuated me, and, therefore, I say I do not speak as a partisan. I care not whether they call me a republican, or a conservative, or a democrat. I stand on a broader platform than that now—a platform so strong and true and broad, that every South Carolinian can stand with me upon it if he is honest and wants good government; not only those born here, white and black, but every man who has come here to be a citizen, and not to be a thief. We can make room for all. Our platform is broad enough and our hearts are big enough to welcome every son of South Carolina who wants to redeem his State. Judge Cooke commenced his speech the other day by saying that he was a republican. "I have," said he, "worked for that party. I have hoped that they could reform themselves, and in that hope I went on trusting that I could do some good. That hope is vanished." The convention in Columbia had put up a ticket that could not mean reform and could not work reform, and knowing this, he has taken his stand to vote for the democratic State ticket, though he intends to vote for Hayes and Wheeler; and we welcome him. While we believe that Tilden's election will benefit the whole country, we have a higher and a graver duty than allegiance to the democratic party, and that duty is to save South Carolina—a duty that should inspire every man, white and black, in South Carolina who is honest and desires honest government. [Loud cheering.]

"General Hampton then touched upon the fact that he had invited the republican leaders to meet him. Chamberlain, he said, telegraphed me in reply that he couldn't come. Why couldn't he come? Why was it, when black and white blood was flowing in different quarters of the State—why is it that your governor, the man who of all others should be on the spot to protect the citizens of South Carolina—why is it, I repeat, that he is not here, when he said that he wanted nothing better than to meet our speakers? Why is it that on the very first opportunity he is trying to put your State under martial law? I will tell you

why. It is because he, the governor of the State of South Carolina, is so weak that he believes he cannot be held up except by United States bayonets. Think of the men who once filled that chair calling upon United States troops to arrest a man or quell a riot! Has he no State pride? Of course he has not. How can Chamberlain of Massachusetts have any pride in South Carolina? I am not disposed to indulge in promises or pledges, but I will say, that if I was the governor of South Carolina—and I shall be—[immense cheering,] and if there was one spot in the State that I was afraid to go, if there was one riot that I felt that I could not call upon the honest men of South Carolina, white and black, to put down, I would ask to be kicked out of the office that I disgraced. We have proposed to divide time. We still propose to do so. Our appointments are all published, and I am particularly desirous that the leaders should come out, so that I might have the opportunity of speaking to the colored people. These leaders belie us; they misrepresent us to the colored people, and then refuse to meet us or give us the opportunity to open the eyes of their constituents. We wish to show the colored people that their rights are fixed and immovable, and, furthermore, we would not abridge them if we could. I do here what I did in the convention, *I pledge myself solemnly, in the presence of the people of South Carolina and in the presence of my God, that if the democratic ticket is elected, I shall know no party nor race in the administration of the law. So sure as the law pronounces a man guilty, so sure shall that man be punished. I shall know nothing but the law and the constitution of South Carolina and of the United States.* [Immense applause.]

“We recognize the thirteenth, fourteenth, and fifteenth amendments of the Constitution of the United States, and accept them in good faith. The colored people know that it is under those amendments that they enjoy the rights they now have. We stand upon that platform, and *not one single right enjoyed by the colored people to-day shall be taken from them. They shall be the equals, under the law, of any man in South Carolina.* And we further pledge that we will give better facilities for education than they have ever had before. [Loud cheering.] Let me say one word more to the colored people. I was the first man in the State of South Carolina, after the war, who advised the white people of South Carolina to give the right of voting to the colored people. I made the proposition at several public meetings in Columbia, and I took the ground that they had been made citizens, and that they should not be excluded from the right to vote. And I recommended then, (and at that time none but whites had the right to vote,) I, whom your leaders tell you am a rebel, that I am an unreconstructed fire-eater—they will tell you the Lord only knows what about me—and yet I repeat that I was the first man in South Carolina who recommended that the right to vote should be given to the colored people. [Applause.] Go to Nash, Edwards, and others, and ask them if what I have told you is not true. When I was taking that ground in South Carolina, Governor Morton, your choice for the Presidency, the man who, waving the bloody shirt and digging into the very graves of our dead, made speeches at the North, in which he said your people were not fit to vote, and recommended that the franchise should not be granted them for twenty years. I have the speech of Governor Morton, and any of you can see it if you wish. My speeches were also published, and you can see them if you desire. Governor Andrew, also another of your republican friends, took the same ground as Morton, and I have his speeches also. These are facts that cannot be disputed. They are printed documents, and are now among the archives of Massachusetts and of Congress. These are the men who profess now to be your warmest

friends; these men who would have put their feet upon your liberties for all time. Why did I recommend that you be permitted to vote? There are 800,000 colored voters in the South. They add to the power and strength of the South. We have more votes in the presidential contest, and we have more Representatives in Congress. Why should we want to cut off one-third of our votes? Of course we should desire to keep them. We know that if the time *has* not come, it *will* come and *must* come when blacks and whites in the Southern States will come together. To stand apart means ruin. We would be indeed fools to desire, with 800,000 colored votes and 1,600,000 white votes, to cut off one-third of our strength. The North saw it, and hence the Mortons and the Andrews opposed the move to allow the colored people votes. I was the first man in the South who advocated that measure, and I have never gone back on it. You will all have to come together, and I have been waiting for the time, and it is not far distant now when all the colored people will be ready to "jine the cavalry." [Applause and laughter.]

"General Hampton alluded next to the prosperous condition of the colored people in Georgia, and especially commented upon the fact of how well their educational interests were taken care of. A cause (continued General Hampton) that is upheld by falsehood cannot prosper, and that is why we wish the colored people to come out and hear us. We come trusting solely to the strength of our arguments, and we want you preachers and teachers to take home what we say and argue among yourselves. It can do no harm. We recognize free speech, free press, and free men in South Carolina. We recognize you all as citizens of the State, entitled to protection. I tell you, white and colored men of South Carolina, that there never was such a question as you have now to determine. It rises far above all party issues. It is the redemption of your State. It means that you must dedicate yourselves, heart and soul and body, to the work; it means that your men must work and your women must pray. It means that every man in South Carolina that desires to lift his mother State from the dust and ashes into which she has been crushed, should and will unite in this grand work, and, with earnest prayers to Almighty God, shall raise her up to the proud position to which she belongs. I know you will do it. [We will! we will!] I have seen brave men, when they witnessed these acres of people coming together—I have seen brave soldiers who have shared the dangers of an hundred battles—with the tears rolling down their cheeks. They could stand year after year the suffering that radical misrule had heaped upon them, but, when the hope was presented to them of redeeming their dear old mother, for whom they fought and bled, the joy that rushed from their hearts was too much, and they wept. In her extremity, our old mother reaches forth her hand in tones of sorrow and of suffering. She appeals to her children to lift her up, and she says that under her shield there is room for all, and in her heart there is love and protection for all, all her children who will come forward and raise her from the dust. [Immense cheering.]

4th. Speech of the contestant, John S. Richardson, on the same occasion, at Darlington, and also the speech of J. S. Richardson, the contestant, delivered in the early part of the campaign, before his speech at Darlington:

REMARKS OF COLONEL RICHARDSON.

"Colonel Richardson made a capital practical speech which fell with telling effect upon the colored men present. He first showed that the

paramount question before the people of South Carolina at this time is how can good government, peace, and prosperity be restored to our prostrate State? This could not be answered certainly by placing men in power who were utterly corrupt, had already proved themselves corrupt, and were surrounded by men who for years had valued their votes in the legislature as so much money, and year after year robbed the very people they were sent there to represent. He did not blame the honest colored man who had been led astray by false and malicious teachings, but he blamed, and them only, the corrupt alien leaders who, knowing better, had belied the white people, created a feeling of animosity between the races, robbed the treasury, and now came forward smirkingly asking for the suffrages of the people for just two years longer and they should have reform. Three separate times the people had tried them, three separate times they had promised reform, and three separate times they have failed. Each year the State was worse off than the last. Each term some new robbery added to her indebtedness, until her credit was gone and her people were driven to despair. Was it any wonder in this condition of affairs, when famine stared them in the face, when bloodshed and rapine was spreading over the State, when the government, weak and imbecile, fit only for collecting taxes and squandering them, had failed to protect her citizens, white and black, was it wonderful that the people should rise in one grand united struggle to throw off the ruffianly robbers and to rescue their loved State from complete annihilation? The republican party had violated every pledge it had ever made. Instead of taking off the burden they had piled it on year after year, until the people were simply unable to bear it longer. They had patiently suffered for year after year in the hope that reform would come in time. But this hope was blasted forever by the nomination by the republican party of a ticket notoriously corrupt, supported by a party infamously steeped with crime and plunder. They themselves admitted that reform was needed. Governor Chamberlain himself had said reform must be had even if the democratic party had to be placed in power to give it. And yet they nominate the same old party hacks. When you see Governor Chamberlain striking hands with "Honest John" Patterson, when you see the same old ticket with worse men added to it, how can you say reform is coming?

"Col. Richardson went on to draw life-like pictures of the principal thieves and scoundrels in the republican party at present, among whom figured conspicuously Whittemore, Whipper, Moses, and Elliott. The speaker then turned his attention to the colored men present. He first told them that the convention of South Carolina had adopted the thirteenth, fourteenth, and fifteenth amendments, and called upon the assembly present to say how many there were amongst them who were ready and willing to say that they would stand by that platform and give to the colored man all the rights, privileges, and immunities which he now enjoyed. The colored men were next assured that they would have protection, and again, on this question being placed before the vast assembly, a unanimous response was given.

"The next question presented to the colored people was whether it was to their interests to vote the democratic ticket. Upon this point Col. Richardson said: 'This is our soil. It belongs to the white and black men of Carolina. We eat the same bread and the same rain waters our fields. These woods, and hills, and dales, are not the property of foreigners, and I tell you, colored men, our interests are the same. It is our country, and I am speaking for your country and my

country. Will it be to your interest to vote for the democratic citizens of the State? If you place the democracy in power our property and your property will be benefited and protected alike. You are all gradually getting property. I wish you all had your forty acres and a mule. [Laughter.] Low taxes for us means low taxes for you. It means that it will leave in the pockets of the people money with which to cultivate fields, to buy good stock and to employ more labor. Do you want to work for people who have no money to pay you. ["No! no! not me."] Fellow-citizens, we must have low taxes to leave some money in the pockets of your employers. The colored man wants to know whether the education of his children will be taken care of. [Cries from colored men of "Now you've touched it; now you're going home."] I know the colored man wants to educate his little girl and little boy as much as I do. If the democratic party is placed in power we pledge you that your educational rights shall never be abridged. Now in Georgia, where the democrats are in power, they have erected one big academy at Atlanta for the colored people and another at Athens for the white people. Each of these institutions receives the same amount of money, \$8,000 per annum. And that is the way we intend to do in South Carolina if the democracy are placed in power, and I want this vast concourse of people to pledge it to the colored people. We want the colored man educated because he is to vote, and we want him to vote understandingly. We must work alike for white and colored. Are you not willing to secure to the colored people every facility for education if the democracy get in power? [From four thousand throats: "Yes, we will."]

"The first speaker introduced was Col. J. S. Richardson, a gentleman whose fame as an orator has become proverbial, and who keeps fully up with the great questions and issues of the day. We would be glad could we reproduce his eloquent and logical speech, but that being impossible, we will have to be content with giving a few of its important points, as gathered in the course of its delivery. He pointed out the tremendous increase of taxation, and explained how it had been brought about by increasing the number of office-holders from 44,000 in 1860 to 90,000 in 1876. He showed how the tax had been increased per capita from four dollars in 1860 to eighteen dollars in 1876, by the extravagance and corruption of the republican party. The voting power of the State he put down at 60,000 whites and 80,000 blacks, and claimed that while the Government could not properly and fairly be governed by the black majority arrayed against the white minority, the blacks nevertheless should not be without representation. But they do not want carpet-bag representation. If they cannot trust their interests to native white men, let their own color, reconciled to their white brothers and neighbors, act in concord with democrats, in freeing the country from the ruin and disgrace that has come upon us. He claimed that we are taxed without representation, and that we have the right as clear as that enjoyed by our revolutionary forefathers to resist such taxation, and showed clearly how such resistance can be rendered by the democrats if they will combine in the purpose. He would not, however, even with the right, resist the tax even if it were reasonable and not burdensome, but the eternal law of self-preservation would prompt us to resist the present ruinous and unprecedented taxes. He explained how the State debt had been increased from \$5,000,000 before the war, to \$20,000,000 now, and is continually increasing under radical rule. He dwelt with pathos upon the credit of South Carolina, which was once as good as gold in all the civilized countries of the world, but is now lost and gone forever unless redeemed by the speedy success of the democratic party.

He would have no Chamberlain, for with all his pretensions to honesty, he is a knave, and would perpetuate, by lying and fomenting discord between the races, the negro or carpet-bag rule of South Carolina. He should have saved the \$300,000 lost by Hardy Solomon's bank. He connived at the escape of Parker, and was undoubtedly connected with all the tremendous frauds of the Moses administration. Let the watchword of the democratic party be reform. Let every one put his shoulder to the wheel, and before all the autumn winds shall have blown the good old State shall be redeemed. The negro must be assured of his liberty by every man, and have explained to him the base purposes of radical leaders in telling him that his freedom is not safe in democratic hands. Explain to him how the interest of the white and black man are the same, and prosperity of one means the prosperity of the other. We should spare no pains to disabuse the minds of the negro of the fear that he is under of democratic rule. He would have the negro taught his real strength by which he can at any time drive from power the party that may oppress him."

5th. Speech of General Hampton at Kingstree on the 4th day of October, 1876—also in this congressional district—with the proceedings of the mass-meeting held at Kingstree on same day, with speeches of W. D. Simpson, democratic nominee for lieutenant-governor, and of the contestant, J. S. Richardson:

"Hampton's men at Kingstree—Three thousand democrats make the welkin ring—Visitors from Charleston—The parade—No distinction on account of color—The speeches—Williamsburg must be redeemed.

"[From our special correspondent.]

"KINGSTREE, October 4.

"The rousing rally of the democrats of Williamsburg County to-day and the grand reception extended to our standard-bearers have had the effect of arousing an enthusiasm among the men of the low-country that will tell on election-day, and that will go far toward overcoming the immense black majority in the sea-coast counties. A special invitation had been extended to the citizens of Charleston to participate in the demonstration, and this morning a special train left the Northeastern Railroad depot at Charleston with a section of the Washington Artillery and detachments of several of the city companies. Re-enforcements were received at the various stations along the road; and when the train reached Santee Bridge it contained fully 250 men, white and colored. Among the distinguished visitors from Charleston were Gen. James Conner, Hon. M. P. O'Connor, Mr. C. R. Miles, and others. The colored democrats were Isaac Rivers, J. B. Sawyer, Augustus Grant, and J. R. Jenkins. The depot at Kingstree was literally covered with floral offerings. An arch of evergreens spanned the main stairway, and a blue Hampton flag fluttered in the breeze from the apex. General Hampton and his staff arrived last night, and were met at the depot by a committee headed by the Eutaw band from Charleston, and escorted to their quarters at the residence of Mr. Beck. This house was gayly decked with flowers and evergreens, and from the second floor of the piazza was displayed a transparency inscribed, 'Welcome to our hearts and homes.' Of course, upon the arrival of the train, the cavalry were out in full force, including the inevitable and irrepressible bloody-shirt brigade bearing banners with strange devices. I suppose there were not less than about 800 horsemen, about 200 of whom were

colored men. There was no distinction on account of race or color or previous condition. White cavalymen and colored cavalymen rode side by side. A sturdy American democrat of African descent headed one of the cavalry companies with a banner which represented a colored man in the act of kicking a white brother, who bore on his shoulders a carpet-bag. On the banner was this suggestive inscription, 'Things are too hot for carpet-baggers. Let us go, boys!' The gentleman who was undergoing the kicking process was represented as saying, 'I'm going down East to shovel snow.'

"THE PROCESSION.

"As soon as the train had backed into the turn-out the artillery was disembarked, and the line of march was formed, the cannon in front, drawn by two spanking grays, the detachment being under the command of Lieutenant Morris, of the Washington Artillery. Next followed the infantry from Charleston, then the local infantry, while the long string of white and colored cavalry brought up the rear. In this order the procession marched to General Hampton's headquarters, and as that beloved chieftain appeared and, together with his staff, took their seats in carriages, at the head of the procession, there was a shout from the throats of three thousand democrats, which made the welkin ring and the old pines of Williamsburg rustle their leaves. The old Eutaw band headed the procession, and in the order named above the line of march was made through the principal streets to Ward's Grove, the place of the meeting. There a stage had been erected; a number of seats had been arranged for the accommodation of the ladies, who were out to the number of about three hundred. The stage was surmounted with a transparency, inscribed, 'Kingstree was redeemed Sept. 11, 1876. Welcome to Wade Hampton, the Old Hero. South Carolina will be redeemed November 7, 1876.' A border of evergreens, enlivened by miniature flags, surrounded the stage, and the chairman's table was loaded with fragrant flowers.

"Upon arriving at the grove, the artillery fired a salute, the cavalry dismounted, and the stage was soon surrounded by about three thousand people. There were about three hundred and fifty to four hundred colored men in the crowd, most of whom belonged to the democratic clubs. The radical negroes were in town, but were not allowed by their master, Swails, to attend the meeting. They were kept together near the court-house.

"THE MEETING.

"The meeting was opened by Mr. S. W. Maurice, the county chairman, who stated that he had written a letter to S. A. Swails, the radical chairman, inviting him to come to the meeting and divide time with the democrats. To this he had received a reply, respectfully declining the invitation. He then introduced Gen. Wade Hampton, 'the next governor of South Carolina.'

"GENERAL HAMPTON'S SPEECH.

"General Hampton was received with enthusiastic cheers from the vast audience. He felt that this was no demonstration evoked by a name. He felt a debt of gratitude to the sons of South Carolina who had honored him by placing the pure and unspotted flag of reform in his hands. He was not here as a candidate. He simply came here as

a Carolinian, appealing to every honest man in South Carolina, black or white, to stand on the reform platform that had been given out by the honest men of the State. Every man, no matter what his race or color, could find room on the platform which had been put forth by the democratic party. He did not allude to the carpet-bagger, because he came like the wind and could not live one hour if there was unity between the two races. The destinies of the two races in this State were inseparably linked together; there was no hope for one race without the aid and co-operation of the other. He came therefore not as a party leader, but simply as a Carolinian appealing to every tie that binds the sons of South Carolina to the State, in the name of the Prostrate State, that all South Carolinians will rally around the flag of honest government in one last effort to save the State. [Cheers.] It was not the men who met us in battle and after the war was over extended to us the right hand of fellowship who had divided the two races. It was the bummers who, having once secured the control of the government, had shown impartiality only in one respect, that of plundering and robbing indiscriminately both white and black. These men were afraid to meet native South Carolinians upon the hustings. He had the moment Governor Chamberlain was nominated telegraphed to him to offer him a division of time, but not a word of response had been heard from him. They prefer to go around at night and in secret and poison the ear of the colored men against the whites. There was but one thing for the white men to do; that was to reason quietly but firmly with the colored people. Convince them that we are in earnest; go to republican meetings and answer the falsehoods of the radical leaders, and they could be brought over. He wanted to see no intimidation, no bullying of colored men. This was not the way the campaign had been conducted thus far. We could not afford to be in the wrong. Let us make the fight legitimately with the weapons of justice and truth. [Applause.] He believed that the victory had already been won, and he was not the only man who thought so. [Applause.] Let the colored men remember that the very ablest white leaders in the State of the republican party are now stumping the State for the democratic ticket. They saw the handwriting on the wall.

"If these men stuck, it was an indisputable fact that the honest black and white people enrolled in the various counties would carry the State by an overwhelming majority. The enemy had been charged and broken, and the only trouble was to catch him. Was it not the duty of Governor Chamberlain to come on the hustings and give an account of his stewardship to the men who had elected him to office? Instead of that, what is he doing? A voice: 'Packing up to leave?' [Cheers.] General Hampton: More than that; he has left already. [Cheers.] At the time when the blood of the black and white people was being shed in riots, he had packed up and left for Washington to ask for Federal bayonets, utterly abandoning his stewardship. The New York Herald, which had been his most staunch supporter, had now pronounced him unfit for the trust. If he (Hampton) was elected, he would enforce the laws of the State against white men and black equally and impartially, or die in the attempt. [Immense applause.] He then reviewed the administration of the republican party in South Carolina. The eleemosynary institutions of the State had been suffered to languish. The insane, and the deaf and dumb and blind, and the orphans would have starved but for the charity of the tax-payers of the State. The only public institution which has been enlarged was the penitentiary, and he sometimes thought that it was a prophetic inspiration which induced

them to do this—they must have realized it as the place of their future destination. The democratic party in South Carolina had realized and acknowledged as of full force the constitutional amendments, and were pledged to support them. He (Hampton) was the first man in America to advocate the right of suffrage for the colored men. He had done this when Morton, who is now flaunting his bloody shirt, was then making speeches against the right of the colored man to vote. He held the same views now, and the reason he had been nominated by the democratic party now was because all the white men in the State stood on the same platform. [Applause.] There was room for all honest Carolinians to gather around this family altar, and as the representative of Carolina he extended an earnest appeal to all Carolinians, white and black, to rally around their old mother and unite in one long, last pull to drag her out of the mire and restore her former glory. [Immense applause.]

“THE HON. W. D. SIMPSON,

the democratic candidate for lieutenant-governor, was then introduced. He hoped that the people fully understood the momentous issues involved in this contest. It was a contest for life and liberty; it involved the preservation and protection of virtue and intelligence, of worth and honesty. This being the issue, he was not surprised that the people knew their rights and were determined to maintain them. He was glad to see so many colored sons of Carolina present at this meeting. It proved that they also knew their rights and were disposed to exercise them. There were 60,000 white men in the State who were ready to back them if they were disposed to join this movement for honest government. [Cries of ‘Yes! Yes! We will.’] After a spirited review of the failures and corruption of the national republican party, he alluded to the failure of the government in this State. The recent riots in this State proved the imbecility of the government. It proved that the people had been driven to the conclusion that if they wanted protection they must not look to the government for protection, but must protect themselves. The taxes wrung from the people had all gone into the pockets of the carpet-baggers. The right of self-government had been destroyed—a right which had been born upon the ensanguined fields of Lexington, King’s Mountain, and Eutaw. He did not blame the colored voters for the condition of affairs in the State. They had been misled by designing carpet-baggers; but if after they had had the advantage of all the teachings of the men who had most at stake in the State they continued their present partnership, they would be held responsible. General Hampton had proclaimed on every stump in the State that he would be, if elected, the governor of the whole people of the State. No sane colored man could believe that he would forget that promise or do anything to abrogate the rights of the colored race. He was himself a slave-owner before the war. He owned one hundred slaves, and had made nothing out of them except one jug of sweet cider. [Laughter.] It was not the interest of the white men to change the condition of the colored men. The interest of both races were identical, and the man who attempted to antagonize them was an enemy to both races, an enemy to Christianity and civilization, and should be driven out of the borders of the State. If any colored man wants to vote with the democrats let him do it, and he will not be allowed to be intimidated by the carpet-baggers.

“A venerable colored man in the crowd here interrupted to say: ‘That’s

so; I'll vote how I please; I don't care what they say or try to do.' [Applause.]

"The speaker closed his remarks with a bright picture of the enthusiasm with which the candidates for honest government had been received in the interior of the State, and an eloquent appeal to all honest men to unite in the struggle for the redemption of Carolina.

"THE HON. JOHN S. RICHARDSON,

candidate for Congress from the first district, was then introduced. He addressed his remarks to a discussion of the abuses under which the whole people of the State were laboring, and the necessity for a reform of these abuses. He pointed out to the colored people how they had to pay the taxes, which were wrung from the land-owners and the farmers who employed laborers. All classes were alike wronged and ruined by the corruption which characterized the State government of Carolina. These wrongs could not be righted by the republican party. It was not to the interest of the carpet-baggers to reduce taxes, because taxes was all that they had to live upon. A man who wanted to steal would steal all that he could get his hands on. For eight years they had promised and promised reform. They had acknowledged the existence of these abuses and promised to reform them. Now they wanted another lease of power, and had put up the same men who had been stealing for eight years. How could the people be expected to trust these men—to expect reform from them? Governor Chamberlain himself had said that unless the republican party had put up better men the people would have to go to the democratic party for better men. The republican party had no reform in it. He remembered an anecdote of a philosopher who once met a little boy on the road, and, pointing to a star near the moon, told him it was five hundred times larger than the moon. 'You don't say so,' said the boy. 'Yes,' replied the philosopher. 'Well,' said the boy, in answer, 'Doesn't it take a darned poor way of showing it?' [Laughter.] This was like the republican party; if there was any reform in their ranks, they took a 'darned poor way of showing it.' [Applause.] The democratic party in this State had pledged itself to sustain the thirteenth, fourteenth, and fifteenth amendments. They intended more; they would see that every man in the State was afforded the protection to which they were entitled under the laws. Under a democratic government there would be no rioting, and if there was the governor would not run away, but would stay here and see that the wrong-doers were punished. He cited the instance of two white men in Williamsburg County who had been executed under Governor Manning's administration for killing a negro, and asked if any white man had ever been hung in South Carolina since reconstruction for killing a negro?

"The black crowd: 'Not one! Not one! Go on; tell the truth.'

"'No,' continued the speaker, 'and there never will be until you have a governor who has the people at his back. If General Hampton is elected governor wrong-doers will be punished, whether they are black or white.' [A voice: 'We'll put him in.']

"The speaker then alluded to the rule of terrorism which had been attempted to be established over colored men who desired to vote the democratic ticket. They could rest easy on that score. The white men of this State would see to it that every man should vote the way he desired, come life or come death. [Applause.] That all the people should enjoy the liberty of voting as they pleased or there should be no

people in the State. [Loud cheers.] This was not all. The democrats would see to it that all the rights enjoyed by the colored voters would be guaranteed to them.

"In conclusion, he pledged himself, if elected to Congress, to be the Representative of the whole people of the district, knowing no difference between white and colored citizens, but using his best endeavors to look after the interests of all the people. [Cheers.]

6th. General Hampton's speech at Sumter, S. C., October 7, 1876, and proceedings of mass-meeting at same place and time:

"Sumter welcomes Hampton—the game-cock county confident of victory—a gay and lovely scene—Carolina in chains—candidate's noble speech—the appeal to Chief Justice Moses—a notable reunion—enthusiasm of the colored democracy.

"[From our special correspondent.]

"COLUMBIA, S. C., October 8.

"The demonstration at Sumter yesterday (Saturday) is said by those who have accompanied General Hampton on his triumphant progress through the State to have been the largest and most enthusiastic which they have yet attended, with, perhaps, a single exception, in point of numbers, in favor of Abbeville. Col. J. S. Richardson, a native of the county, said in his speech last night that, after witnessing the reception accorded to the distinguished candidate for governor in each and all of the upper counties, he had feared that old Sumter might not come up to the full measure of her duty in this respect; and had sent more than one messenger ahead to feel the pulse of the people and ascertain, if possible, whether they, too, had caught the universal spirit of enthusiasm which is blazing in those mountain districts, or whether they alone had failed; and the answer was before him and he was satisfied, (as well he might be.) 'The old game-cock,' as the county is familiarly called by the people, has every feather on end; his spurs are sharpened, his fiery crest is aflame, and he is ready and anxious for the pit to be cleared, the radical carrion-crow to be set before him, and business to begin. After that the funeral, and then crowing-time.

"A small party, among whom were Gen. Jas. Conner, Capt. Hugh S. Thompson, and Col. A. C. Haskell, left Columbia by the Friday evening train, in order to avoid the crowd which was to follow Saturday morning, and after a pleasant journey arrived at Sumter depot at 11 o'clock p. m. The party was met by a number of citizens, who captured every man on the train, and, by a mild species of intimidation, put under guard, as it were, and quickly wheeled off behind sundry sleek teams to quarters assigned at the residences of our respective captors. I am forbidden the pleasure of making public acknowledgment of the kindness extended to myself personally, but it does not matter materially. The reader may suspect any one he pleases and not go amiss, as every home in the pleasant little town was well filled, and everybody entertained somebody in the most generous manner.

"THE ARRIVALS.

"By 10 o'clock Saturday morning the principal streets had become thronged by the crowds which had been pouring in from the country since sunrise, and the air was charged with dense clouds of dust, raised by the hoofs of two thousand or more horses, as the various mounted clubs came in, one after another, and dashed down Main street on their way to the general rendezvous near the depot. Each new squad or

'club,' some of which numbered over two hundred men, announced the fact of its arrival with cheers and yells and hurrahings, which were kept up as long as they were within hearing. The crowds collected at every corner, acknowledged the salute of the horsemen with answering shouts, none the less hearty or loud from being pealed from dusty throats, and as fully one-half the multitude was composed of colored men, one of whom could call a sleepy ferryman across the Straits of Dover, (see map of England,) the general effect was the same as if the game-cock county had roused itself from a long nap, and indulged in a prolonged whoop, such as might be reasonably expected from a bird of that size. I think it might have been heard even so far as the State-house in Columbia, if the inmates of that coop could, indeed, ever be made to hear and understand such a thing as *thunder* of this peculiar and significant sound.

"THE COLORED CITIZENS.

"The part taken and the interest manifested by the colored people was a matter of as much surprise as gratification to some of us, to whom it was rather a novelty. The number of colored democrats in Richland county is already formidable to their enemies and is rapidly increasing; but I have never seen such an outpouring on their part or such a thoroughly honest and evident good feeling manifested between the two races as on this occasion, and while on this point let me state its evidences fully.

"There was no distinction of color in any part of the programme or proceedings. The whole number of whites and blacks was seemingly about equal. The proportion of colored men in nearly all of the mounted clubs was about one-half in each instance, and the number was only limited then, I was informed, by the number of saddles and bridles at the command of the whites. Every horse and mule that could be spared from the farms within a radius of thirty miles from town had been brought into requisition, and a colored democrat mounted them. They rode side by side with their white friends and drowned their less practiced voices in every 'Hurrah for Hampton' that was given. As they rode along the streets they challenged each group of whites or blacks they passed with those magical watchwords, and never in vain. There were no scowling looks or lowering brows anywhere to be seen; challenge and countersign were alike hearty, and given with cordial goodwill. My ideas of the condition of affairs in that county had been derived from misrepresentation made to me at the State-house, and I was prepared for a second Beaufort. I was thoroughly undeceived and somewhat amazed. Many of the whites and some of the colored men wore the regulation Tilden and Hendricks cape and chapeau. The colored riders took great pride in their flashy red outfits, and were to be seen dashing in every direction on swift horses or stimulated mules for the purposes of order and display.

"Little knots of white and colored men were to be seen on every hand engaged in earnest and friendly discussion of the issues of the day. Colored democrats argued with their erring republican brethren, and to good purpose in many instances. A band of colored musicians, seated in a couple of wagons, drove hither and thither discoursing Dixie and other popular airs to the delight of themselves and their hearers. Almost every colored man you met wore a Tilden badge, or a bit of red ribbon, at his button-hole, and the demand for both far exceeded the stock on hand. And finally, when the procession reached the grand stand, a

goodly sprinkling of leading colored men were invited to occupy seats with other guests under its broad awning. I talked with very many of them for the purpose of testing their sentiment by all manner of inquiry. I found them of one mind. They are tired of the carpet-bagger, oppressed with their burden, awake to the systematic deception which has been practiced upon them, and hopeful for the future. They speak sadly and sensibly, saying their welfare rests in the hands of the whites of this State; they believe these to have made a mistake just after the war in not taking them up, instead of driving them into the ranks of their enemies. They believe them to be sincere in their promises; are willing to give their old masters a trial, and they take General Hampton at his word. He has never deceived them, and hurrah for him.

"THE DECORATIONS ABOUT TOWN.

"While waiting for the procession to form I whiled away an hour by taking notes of the various decorations displayed from windows and fronts of the stores and elsewhere. The first in order were those of the speakers' stand, which had been erected of substantial materials in a grove near the railroad. The supports of the awning were completely hidden by wreaths and festoons of evergreens and flowers, and over the central arch of the front, under which the speakers were to stand while delivering their addresses, was a motto, the words of which have escaped me, and below in large letters of flowers another of 'Welcome to Hampton.' The table at which his seat was placed was piled high with bouquets, while on every trunk and branch of the trees of the avenue leading to the stand flowers and evergreens in wreaths and ropes were draped in profusion, interspersed with flags and banners with suitable inscriptions.

"Two triumphal arches spanned Main street, and these also were nearly covered with flowers and green branches. The second arch, erected in front of Mr. C. H. Moise's insurance office, was strangely ornamented by a number of brilliant insurance-signs, the significance of which was indicated by a large newly-painted canvas at the keystone, bearing the advertisement, 'Capital \$60,000,000! We insure Hampton's election!' The office of the True Southron was also covered with evergreen wreaths and United States flags. One inscription was: 'The sun dispels the Hayes.' Another: 'The Southron was the first paper to nominate Hampton.' The Watchman displayed a motto painted on canvas, 'It is better to fight for the good than to rail at the ill.' 'Equal rights to all men; virtue and intelligence in office.' Another legend elsewhere was: '*Par nobile fratrum*: Hampton and Conner; *Semper fidelis*; *Semper eadem*. God bless them.' Flags and flowers and shields and canvas-covered frames bearing all kinds of devices and inscriptions abounded in such variety and number as to render detailed description impossible.

"THE PROCESSION

was under good leadership, and was quickly organized and set forward on its way. Leaving the railroad depot at about 11 o'clock, it marched up Main street and thence down Liberty street in the order here indicated: First, Maj. J. W. Dargan, grand marshal, and Robert Ross, colored, both mounted; Columbia silver-cornet band; the United States flag; Sumter club, Manchester club, Stateburg club; Darlington band, all on foot; an open carriage containing Hampton and Conner, drawn by four splendid white horses and driven by R. W. Andrews, an

old white man, eighty-five years of age, who had served in the war of 1812.

"Following Hampton's carriage were many others drawn by two horses each and containing the most distinguished of the speakers and guests. After these was a wagon with a large frame of stretched canvas covered with mottoes; then came the horsemen riding four abreast, all keeping good order save in the one particular of silence. There was not so much as a pause in the hurrahing from the moment the cavalcade started until it reached the objective point. There were hundreds of flags distributed along the line, all blazoned with the names of Tilden and Hampton, and Sumter County, and game-cocks, and carpet-baggers going North, and others such speaking caricatures, all with mottoes explanatory, conciliatory, interrogatory, or denunciatory, as the taste of the bearers and artists had dictated.

"THE MOUNTED CLUBS

were as follows: Middleton, Maysville, Swimming Pen, Wateree, Rafter, Beulah, Camden, (bearing for banner a coon-skin labeled 'Chamberlain's hide,') Concord, Mayesville, (rifle-club,) Richland, Providence, Spring Hill, Ebenezer, (Darlington County,) Lydia, (in uniform,) Sumter, (rifle-club, uniformed in Tilden capes and caps,) and lastly the Sumter democratic club. As already stated, fully one-half of the whole number were colored men of strong lungs, who used them. I searched diligently and with all my eyes for arms of any description, and the sum total of such ornaments was one pistol and three sabers. The pistol was in its holster, and I daresay unloaded. Not one of the sabers was used nor so much as aired during the day.

"The procession, after leaving Main street, turned down Liberty and through one or two others, and, re-entering Main street higher up, returned by their first route to the starting-point. Hastening in advance, I reached the grand stand and awaited its approach. A crowd had already congregated on the grounds, and the raised tiers of seats provided for the ladies on each side of the speakers' stand were freighted down with their precious burden. A detachment of the Columbia artillery club, which had come over during the morning with two pieces, were at their posts, and as the head of the procession turned into the avenue the signal was given and the iron peace-makers took up the chorus and shouted 'Hurrah for Hampton!' as their fellows have often done before, on less peaceful occasions, and in tones familiar and well understood by every man on the grounds. These salutes were repeated during the speaking and at night until, I suppose, not less than two hundred rounds had been fired in all.

"General Hampton and the other speakers dismounted from their carriages and approached the stand. As he entered the space between the ladies' stands, these rose up and showered down flowers upon him and before him until the ground beneath his feet was carpeted with them. A company of little girls, representing all the States, all clad in white, met him half-way, and strewed their floral offerings in his way.

"AN IMPRESSIVE SCENE.

"But the crowning ceremony was reserved for the last. A fair young girl, clad in mourning and bound with heavy chains, to represent South Carolina, stood on the verge of the stage, just where the speakers afterward delivered their addresses. As General Hampton approached, and when every eye was fixed upon the two, and while he was as yet but a

few paces from her, at a word and as if by a magical touch the habiliments of mourning and the heavy chains fell from her at once, and she stood forth before him and the throng clad in garments of snowy whiteness—a beautiful emblem of South Carolina redeemed.

“The drama was well planned, well executed, and its import recognized and acknowledged by such a burst of enthusiasm and shouting, and waving of hats and handkerchiefs, and roars of cannon as made the scene truly a most impressive one. As the clank of the falling chains was heard, General Hampton raised his eyes, and, seeing the beautiful child before him, and understanding the new tribute paid him in her person, his face flushed, and he bowed deeply and reverently to her and to the multitude. He spoke a few kind words to her in an undertone; she took her place in the company of her sisters, and he ascended the steps of the platform, and with his party took the seats placed for them.

“The cheers and other demonstrations of love and admiration for the brave old chieftain were continued with unabated fervor for several minutes, and I took the occasion to note the prominent gentlemen on the stand. I did not know them all, but noticed among them General Kershaw, Colonel Law of Darlington, General Connor, ex-Governor Manning, Generals Kennedy and Chesnut, Col. A. C. Haskell, Capt. H. S. Thompson of Darlington, D. W. Moise, T. B. Fraser, John J. Dargan, and Julius Edwards. Revs. L. P. Loring, E. H. Holman, Bartlette, and Clute were also present, together with many other citizens, both white and colored; among the latter, several of the candidates recently nominated by the democrats on the joint county ticket.

“The horsemen ranged themselves in a semicircle in front of the stage, and when quiet had been at last restored, Mr. Fraser requested strict order to be observed, and called upon Rev. Mr. Bartlette to open the proceedings with prayer, which was done, the whole multitude standing uncovered. General Hampton was then introduced, and spoke in substance as follows:

“HAMPTON’S SPEECH.

“Ladies and my friends of Sumter County: Years have passed since I had the honor to appear before you in a political cause. These years have been marked by sorrow, trial, humiliation, and disappointment. The people have borne it all with a patience that has been sublime. We have hoped against hope. We have trusted, and our hopes have been turned to ashes like the Dead-sea fruit. Once again I come before you in another cause—the cause of South Carolina, in which we are all enlisted.

“From the mountains to the sea, from the Savannah to the Peedee, our whole people, trusting to the justice of their cause, appealing to the Almighty to vindicate the purity of their motives, are joining in one noble crusade, the only watchwords of which are ‘God and our Fatherland!’ It seems as if heaven itself had smiled on our cause. The clouds have often lowered upon us, but never rained, while the radical torchlight processions have always been broken up by the floods. We have been blessed by propitious weather, and that has inspired me with confidence. I have borne our banner through the land, and old and young have rallied around it and blessed it. I have seen lame soldiers limping by the wayside to bid us Godspeed. Lusty youths are marching shoulder to shoulder with us. I have seen prattling infants, scarcely able to lisp, crying out for ‘Carolina and home rule!’ I have seen cler-

gymen imploring blessings on our cause, and everywhere I have seen these glorious women, first in every noble and generous deed, with their smiles also bidding us Godspeed. And, my friends, when we have all these omens and all this devotion how can we fail? We, too, have blotted that word out of our vocabulary. The people are at last awake. They have risen in their majesty, and have registered their oath that Carolina belongs to Carolinians, and by the eternal God we intend to have it!

"We don't come to you now as partisans. We don't come to you appealing for party success. God knows if I could lay aside that banner Carolina has given to me to uphold I would do it. I know the responsibility that attaches to it. I know that if successful my path will be one not of roses but of thorns; but I know my place in the affections of the people. I would not run the risk of exchanging that for any place. Wherever I have been I have seen some whose faces I have seen in the smoke of battle, and they are the faces of my friends; and thank God it has brought to me the chief consolation of this canvass. They have always come to me and clasped my hand as a friend, and I would not give up the feeling that they who trusted me then trust me now for any office the people of America could give to me. I know how grave these responsibilities are; but when I turn to the other side and think that if we are beaten—we can't be beaten, the victory is ours, [prolonged cheering,] but we may be cheated out of it by the Government—when I see the expectations that are placed on my success, my heart sinks within me, and I appeal to the people of South Carolina to sustain me while I go on calmly in the path that has been marked out for me by the State. It is the path of duty, and that is the path of glory.

"I have said to you, my friends, that I had no doubt that if we have a fair election we will be successful. As I came on the stand a paper was handed me, containing the letter of Governor Chamberlain. After answering Haskell's letter, he goes on to make some statements which I feel called upon to reply to. [General Hampton here read the portion comparing the relative positions of Tilden and Hendricks with that of Governor Chamberlain and Elliott.] I suppose he means to say Tilden is a 'hard-money man' and Hendricks 'a soft-money man,' but, admitting that difference, there is no possible analogy between the two cases. Governor Chamberlain, just before his nomination, denounced Elliott as the most corrupt man in the party. He is the most corrupt man upon the face of the green earth. Elliott, in turn, attacked Chamberlain, and, putting his hand upon his pocket containing certain papers, denounced him as a felon. If they were elected, Elliott's first duty would be to put Chamberlain in the penitentiary, and yet Chamberlain says their relations are like those of Tilden and Hendricks. When you see these two chief officers coming before you for re-election, and one denouncing the other as the most corrupt scoundrel in the State, does not that give the whole tale of that party in the State? But let me come to matters nearer home. [He then reviewed Chamberlain's account of the struggle between the straight-outs in the convention, and quoted his remarks as to the Mississippi plan, &c., and then continued:] Now, my friends, I have seen a great many deliberative bodies in my life, and have never seen one more quiet and harmonious than that in Columbia on the 15th August. We met there with natural differences of opinion; we were all working for one object—the redemption of South Carolina. Some thought that we had better delay our action, and that was the sole question in that body.

"After free discussion, the convention decided what was to be done, and as soon as its decision was declared every true man consented to it.

"Governor Chamberlain says that it is the Edgefield plan. He said in New York that the straight-outs had captured me. My old soldiers, if any are here, will bear me out that I am very hard to capture. [Cries, 'That's so.'] All know that they could not have captured me or the convention. They worked as harmoniously with us as possible. It is a slander on the convention to say that it was captured by the Mississippi plan, if that is understood to mean violence. And I say here that the Mississippi plan does not mean violence. The white men talked to the colored men, and asked them as fellow-countrymen to help us rescue the country from the aliens who are robbing us, and I will tell you the result. In Washington County, where there were 6,000 colored voters against 1,600 whites, we came out with 400 democratic majority. So, you men of Sumter, you see that though you have done much, you have not done as much as Washington County, Mississippi. Go to the colored man and show him his rights, and tell him they are just as safe in the hands of the white men as they are now; and I repeat now what I have so often said before, if elected governor I will recognize the rights of every man who lives under our flag as equal under the law and the constitution.

"General Hampton was followed by General James Conner, Hon. M. P. O'Connor, and Generals Chesnut and Kershaw. The speeches of these gentlemen were admirable, and, I need not say, well worthy of being fully reported. They were received with the most flattering demonstrations of personal regard, and with cheers and applause on the part of their hearers. I have, however, left myself no room for more than the brief mention of these, as well as of those which followed, from General Kennedy, Capt. H. S. Thompson, and Col. John S. Richardson, at the second meeting, held at the court-house square after night-fall. Neither can I do more than mention the barbecue and torch-light procession. It is enough to say that the management of these and the scale upon which they were conducted was fully in keeping with the proceedings of the earlier hours.

"The 6th of October will long be remembered as a notable day in the history of Sumter County.

"C. McK."

7th. This policy was conspicuously developed by the nominations of the democratic party for county officers and State legislature in Sumter County, one-half of the nominees being colored and the other white. A copy of the ticket is herewith submitted, with editorial of the Sumter Watchman, of October 5, 1876, commenting on the ticket:

"OUR COUNTY TICKET.

"*Legislature.*—E. H. Holman, J. H. Earle, Pinckney Davis, (colored,) Tyler Dixon, (colored.)

"*County Commissioners.*—T. B. Fraser, William Gregg, (colored,) Primus Butler, (colored.)

"*School Commissioner.*—Julius Edwards, (colored.)

"*Sheriff.*—J. M. Wilder.

"*Clerk of Court.*—L. P. Loring.

"*Judge of Probate.*—C. M. Hurst.

"*Coroner.*—Robert Ross, (colored.)

"OUR COUNTY TICKET.—The first democratic nominating convention ever convened in Sumter since the reconstruction of our State gov-

ernment, assembled on Monday last. Democratic clubs aggregating nearly 2,000 enrolled and active white and colored members, were represented by 176 of the delegates responding to the call of their names. Great interest was manifested. The importance of the end in view and the confident expectation of success inspired the assemblage with enthusiasm. No clique imposed cut-and-dried nominations upon the convention, but all felt free to express their views and bring forward the candidates they preferred, and this was done without any jarring contests or discourteous words. And now that their work is done, the democracy indorse the action of their representatives.

"To one feature of that action we point with especial satisfaction. The great obstacle to the harmonious adjustment of the governmental difficulties that have environed us has been the suspicious fear malignantly infused by radical leaders into the minds of the colored people that they would peril their rights by putting the whites in power.

"The first step, therefore, to be taken towards a new era of peace and good government was to make it plain by acts that their rights were safe in the hands of the democrats. No stronger assurance could be given of this than the yielding a greater share in the government to the colored than to the white race. As far as the action of the democracy of Sumter County is concerned, no harm can come to the colored people for the next two years, either in the legislature or in the administration of their county affairs. They have the only representative of Sumter in the senate—a colored radical. For the house the democrats have nominated an equal number of both races. Two out of the three nominees for county commissioners are colored. The officer to be charged with the investigation of the cause of every violent or sudden death is a colored man; and in this nomination, more, perhaps, than in any other, the white people give guarantee of their purposes of peace towards their colored brethren. Again, in view of the educational destitution among them, how could the whites give better assurance of their purpose to do justice to the colored race than to put in their hands the direction of the whole educational interests of the county, both for white and colored schools, by the nomination of a colored man for school commissioner? Six out of the twelve nominations colored men, and those the most important for the interests, prosperity, and progress of their race. In no way could the whites better exemplify their good faith and their good will.

"As to the whites upon the ticket, it is only necessary in this connection to state that they have the confidence of the people. All of them men of ability and integrity, and three of them having acceptably filled the very offices for which they are proposed, we congratulate the good people of Sumter upon the prospect before them of peace, prosperity, and faithful administration of public affairs."

8th. The address to the people of the United States by prominent citizens of South Carolina, representing almost ever conceivable interest of the State.

"TO THE PEOPLE OF THE UNITED STATES.

"Well-founded apprehensions that the civilization of our State is in danger of being utterly overthrown, and an overruling sense of duty to ourselves, our posterity, and the country at large, impel us to make an authentic statement of our actual condition to the American people, in the hope that it will induce them to extend to us their sympathy and aid in this distressing exigency of our affairs. There is so much at

stake that we cannot afford to be silent, or to withhold any effort that may possibly be of avail.

"For ten long weary years the white people of South Carolina have endured a condition of things which any Northern State would have been tempted to throw off in two years at the point of the bayonet, if it could have been done in no other way. They bore and forbore, in the hope that some returning sense of justice or happy stroke of fortune would bring relief. But no such sense of justice or happy stroke came to their relief, and hope sickened and died away in their hearts. At last they determined, as by a common impulse, and a natural and uncontrollable instinct of freedom, to make one supreme effort for their redemption, but to make it under and within the law.

"Those who hold authority here, having, through party affiliation, access to the highest organs of political power in the country, and to the equally powerful organs of the partisan newspaper press, have subjected this people to the vilest misrepresentations, and the most cruel slanders. Some of these we desire to correct.

"*It is not true* that the white people of South Carolina are disloyal or disaffected toward the United States Government. On the contrary, they are loyal and well-affected toward it. They obey it at home, and would defend it promptly from foreign aggression.

"*It is not true* that South Carolina or any of its counties are in a state of insurrection or domestic violence against the government of the State, or that law and process cannot be duly enforced within her territorial limits; or that there is any lawful cause or occasion whatever for the Federal Government to interfere for the protection of the State government against the violence of her citizens.

"*It is not true* that the white people of the State are hostile to the colored people, or have any design or disposition to abridge or infringe their political or civil rights. On the contrary, in their conventions, and in the speeches of their candidates, for six years or more, the most public and solemn pledges have been given that all the rights of the colored people shall be respected and protected. The colored people should know that these pledges will be faithfully kept.

"*It is not true* that the few 'rifle-clubs' in the State are 'combinations of men against the law,' or that they are engaged in 'murdering some peaceable citizens and intimidating others,' or that 'they cannot be controlled or suppressed by the ordinary course of justice.' The President has been deceived. These clubs existed with the knowledge and recognition of the governor. Not one of them ever acted in defiance of law, or against the government or constituted authorities. The hostility to them of Governor Chamberlain and his coadjutors is recent; it is political, and is designed to affect the coming election.

"*It is not true* that in the recent race-collisions the white people have been the aggressors. Their forbearance, as in the Charleston riot, the unprovoked Cainhoy massacre, and the still more recent assassination of a white citizen in Edgefield, has been wonderful. The truth is that the leaders of the colored people, fearing that the day of their power is drawing to a close, have excited their ignorant dupes, have supplied them with arms, have aroused their fears for the loss of their liberty, and have thus encouraged them to commit deeds of violence.

"We may also affirm some things which *are* true:

"*It is true* that there is in the State a most active, earnest, and excited canvass to overthrow corrupt rule and re-establish honest State government. This is a legitimate and lawful object, which should command the sympathy and support of every lover of his country. It is not trea-

son to defeat Chamberlain, nor is it insurrection or domestic violence to elect Hampton.

"*It is true* that while the rifle-clubs are ordered by the governor and the President to disband and disperse, the colored militia of the State are allowed to remain in organization and in possession of their arms, and to attend political meetings in military order with rifles and other arms. The object of this discrimination is as obvious as is the comparatively defenseless condition in which it places the white population. We simply ask, what would the people of New York or Massachusetts think or do upon a like application of the bayonet-policy to them under such circumstances?

"Fellow-countrymen, we have sought to place before you, briefly and in true colors, the condition of South Carolina, the wrongs of her people, their patient forbearance, and their new-born hopes. Not long ago Governor Chamberlain, in a transport of truthful and genuine enthusiasm, proclaimed to the people of the country the startling fact that '*the civilization of the Puritan and the Cavalier, of the Roundhead and Huguenot, is in peril*' in South Carolina. He spoke these words under the inspiration of his better angel, for truer words he never spoke. And they are as true now as then. The peril is greater now than then; for when the worst and most degraded elements of society enter into, or control a government, there is too much reason to apprehend some catastrophe which we hardly dare to contemplate.

"S. Y. TUPPER, Pres't Ch'n Chamber of Commerce.

"W. M. WIGHTMAN, Bishop Methodist E. Church, South.

"W. B. W. HOWE, D. D., Bishop of Diocese of South Carolina.

"P. N. LYNCH, D. D., Bishop of Charleston.

"JOHN FORREST, D. D., Pastor First Presbyterian Church.

"G. R. BRACKETT, Pastor Second Presbyterian Church.

"J. L. GIRARDEAU, D. D., Professor Theological Seminary.

"J. A. CHAMBLISS, Pastor Citadel Square Baptist Church.

"L. MULLER, D. D., Pastor St. Matthew's Lutheran Church.

"W. S. BOWMAN, Pastor Wentworth street Lutheran Church.

"P. F. STEVENS, Presbyter Reformed Episcopal Church.

"W. P. YATES, Chaplain to Seamen.

"DAVID LEVY, Minister Congregation Beth Elohim.

"C. O. WITTE, President People's National Bank.

"ANDREW SIMONDS, President First National Bank.

"A. S. JOHNSTON, President Bank of Charleston National Bank.

"L. D. MOWRY, President Union Bank.

"JACOB SMALL, President Germania Savings Bank.

"E. H. FROST, President S. C. Loan and Trust Co.

"ALBERT LENGNICK, President People's Bank of S. C.

"J. R. ROBERTSON, Vice-President Carolina Savings Bank."

Q. Were the speeches of General Hampton and J. S. Richardson, above referred to, delivered before the proclamations of Governor Chamberlain and President Grant?—A. They were delivered, with the exception of the one at Sumter, previous to Governor Chamberlain's proclamation disbanding the rifle-clubs, and the one at Sumter was delivered on the same day.

Q. What was the spirit of the campaign as advocated by the journals of this county?—A. It was eminently a policy of union, harmony, peace, and mutual confidence, as evidenced by the editorial articles of The Sumter Watchman herewith submitted.

1st. Editorial leader of 20th September, 1876:

"HOW THE VICTORY MUST BE WON.—The democrats expect to carry

the next election, but they cannot reasonably expect to do so without immense labor and great sacrifices of private interests and personal ease and comfort. There can be no doubt that stupendous difficulties stand in the way of the progress of the democratic cause in South Carolina, and nothing but unprecedented effort, union, determination, and courage can remove them. Indifference, inactivity, indolence, or any unwillingness to spend and be spent in the great common cause, must bring upon us inevitably disgraceful defeat. In the first place, we are contending with a party which for years past has largely outnumbered our own and has been welded and banded together with a compactness and firmness without a parallel in political history. This party has known nothing but victory, by huge majorities, since its organization in 1867 to the present day, and will, naturally enough, go into this struggle with a confidence in their continued success, which must greatly aid in the proposed attainment of the end desired. Further than this, that which upon a superficial view would seem a weakness in their party, proves upon closer and deeper inspection, their principal, if not sole, source of strength. We refer to the ignorance and moral weakness of the colored masses who support the republican party. Philip, the father of Alexander the Great, used to say that an army of stags commanded by a lion was far more formidable than an army of lions commanded by a stag. Blind, unquestioning obedience to the command and guidance of a few skilled and far-sighted officers is the greatest element of strength an army can possess. And this element the republican army of voters has possessed to perfection from its inception to this date.

"The poor, weak colored men are controlled and guided in their every political action by a few white men, who are strong in will, united in purpose, of shrewd and cunning minds, and trammelled by no moral scruples or hinderances of conscience. These men have made up their minds to make a united, powerful effort to retain control of our government two years longer. They will only let go their hold upon it when we force them to do so. This we have resolved to do, and nothing should stand between us and the end proposed. No sacrifices of an honorable character should be too great to be made for the success of our cause. Time and money cannot be too freely spent in the interests of the campaign. Though we are compassed with difficulties on every hand which rise mountain high, we need not despair. With proper determination and united effort a glorious success will certainly crown our labors on the 7th of November. 'What,' says an eloquent writer, 'is difficulty? Only a word indicating the degree of strength requisite to accomplish some given object; a mere notice of the necessity for exertion; a bugbear to children, to fools, and to cowards, but only a stimulus to true men.' The object for which we are contending is the noblest that ever engaged the time, talents, and energies of man. We are struggling for self-preservation, self-protection; preservation from ruin; protection from disgrace and shame. The issues in this campaign rise above the field of political strife, and involve principles higher, more original, and more essential than any in dispute between democrats and republicans.

"The greedy thieves and adventurers who have robbed us so long and so mercilessly are still pursuing us, and are determined, it seems, to drive us to madness and fury. Their galling oppressions, their stinging insults, we have borne for years now with marvelous patience and long-suffering. We must not, nay we cannot, endure them longer. If ever a people had occasion to work with vigor, with profound earnestness, with an invincible purpose to come out victorious at any cost, we of South Carolina are that people to-day. The sole hope of republican success rests upon

the ignorance of the negro, and consequently our main effort must be directed to the removal of that ignorance, so far as practicable. To enlighten his mind, to explain his true condition and political situation, is all that is needed to make him quit his party and act with us. The negro is not naturally hostile to our race or to any other race. He is not at all aggressive; asks only to have his own rights respected, and he will disturb the rights of no other man. He is a peace-loving, confiding, amiable, non-belligerent person; and all his recent bad conduct is unnatural and distasteful to him. He resorts to violence when put up to it by wicked white men, under the belief that he has been wronged, or his rights are in danger, or something of this kind. Great allowances must be made for his bad behavior, and no pains should be spared to teach him his true interests and win his confidence and good-will. The great wall of prejudice and distrust which now divides the races must be broken down by kindness, not threats, and the battle is won. We should be always mild, but firm, kind, but determined, and all will go well with us. Peace, prosperity, and happiness to white and to black should be our sole aim and purpose in all we do or say, and the black man will soon discover that we mean no harm to him, and just so soon he will join us. Merit his confidence and we will soon have it, and once gotten it is easily held."

2d. Two editorial articles from same paper, issued 2d November, 1876 :

"VOTE FOR HAMPTON.—Every consideration that can be properly entertained is an argument to the colored people to vote for our democratic candidate for governor. Do they desire good-will between the races to prevail? Then let them vote for the man who is honored and respected by the whites and is also the best friend of the blacks. Do they desire peace and happiness to smile on the land? Then let them vote for the man who will be a wise and just ruler; who will have the interests of the State at heart; who will preserve its honor abroad and restore its prosperity at home.

"Do they wish to establish their rights in the future? Then let them vote for the man who as far back as 1867, before the right to vote was given them, maintained it was best they should have that right.

"Do they wish to enjoy a fair share of the benefits that accrue to a people of a civilized state under intelligent and honest government? Let them vote for the man who declares that he will consult their welfare as well as that of the whites; that he will not be the governor of the democratic party or the republican party, but of the whole people."

"WORK WITH ENERGY AND ZEAL.—In a few days the campaign will have ended. The issue has been made between official corruption and selfish, tyrannical domination on the one side, and honest rule and public weal on the other.

"The crisis of the struggle is at hand. The most earnest, energetic effort must be made; the greatest enthusiasm should prevail. The determination to succeed will win half the battle; and an ardent zeal will place victory in our grasp.

"Let all who desire good government do everything in their power to secure it by the election of the democratic ticket.

"Let every one accomplish all that he can in the field of individual effort which lies before him. See to it that every democrat votes. Persuade those who belong to neither party to vote the democratic ticket. Use every argument with the colored people whom you can reach to induce them to vote with you. Appeal to their sense of right, to their patriotism, to their longing for good, honest government; to their de-

sire for prosperity and happiness to dwell with them and their children; for peace and good-will to unite our whole people. Present to them the claims of Tilden and Hampton and of the State and county democratic tickets.

"If some will not vote for the whole, get them to vote a part.

"If some wish to put Hayes and Wheeler on their ballots, persuade them to put Hampton and others of our candidates on it also. By all means secure their votes for Hampton. If every one will do all that he can in this way, much good will be accomplished.

"The colored people are having their eyes opened, and what they need is a plain, clear statement of facts and arguments to convince them that it will be to their best interests to go with the democrats. The prospect ahead for a democratic victory is very cheering. We are sure that Tilden will be elected. We have great hope for Hampton's success. Let us not fail to wreath our county ticket with laurel also."

Q. Several of the witnesses for the contestee have testified that the democrats were not opposed to United States troops being brought into the State; were the democrats in favor of or opposed to their introduction?—A. Decidedly opposed to it.

Q. State such facts in your knowledge as show their opposition.—

A. This is clearly shown by extracts from *The News and Courier*, the leading democratic journal of the State.

1st. Editorial from the issue of the 16th October, 1876:

"GOVERNOR CHAMBERLAIN'S CALL FOR TROOPS TO SUPPRESS 'DOMESTIC VIOLENCE.'

"Governor Chamberlain has made another application to President Grant for troops to aid him in enforcing the law in South Carolina, asserting that he is unable to suppress domestic violence. The application will be considered at the cabinet meeting to be held to-morrow, and, if the President and his advisers have any regard for their own precedents, will be treated like the application of Moses in 1874 and that of Governor Ames in 1875. Governor Chamberlain is the successor of Governor Moses, and, as the co-candidate of Elliott and Gleaves, can, with propriety, walk in the footsteps of the man whom, in the letter to Senator Morton, he declared to be 'as infamous a character as ever, in any age, disgraced and prostituted public position.' The circumstances are worth recalling.

"There had been some petty disturbance in Edgefield County, due to the marauding of the negro militia. There was not a ripple of excitement in any other part of the State. Moses, however, was badly frightened, and, under date of September 25, 1874, informed President Grant that 'a reign of terror' existed in South Carolina; that he had issued his proclamation 'commanding these armed bands to disperse and retire to their homes within three days,' and that they were still under arms; that he was powerless to enforce his orders, 'except by the use of the inexperienced State militia,' the employment of which he feared would 'hasten a conflict.' Governor Chamberlain, too, has issued a proclamation requiring the 'unlawful combinations and assemblages of persons * * * * to disperse and retire peaceably to their homes within three days,' and in his letter to the executive committee he described an imaginary 'reign of terror,' and declared that he dared not call upon the militia. Moses foresaw what Chamberlain would do, or else Chamberlain remembers what Moses said. Perhaps he wrote that letter to the President. The application of Moses was not granted, and he was

quietly told that a company of United States troops was already stationed in Edgefield, and it was 'expected and believed that it will afford adequate protection to the lives and property of the citizens.' There is as little of 'a reign of terror' now as there was when Moses wrote his letter, or had it written. And instead of there being one company of soldiers at Edgefield, there are now two companies; and there are garrisons at Marion, Aiken, Allendale, Abbeville, Laurens, Newberry, and other points besides. We admit that the character of Moses was such that President Grant might have been disposed to pay less attention to any prayer from him than he would pay to an application from Governor Chamberlain; but it should be remembered that an application of the same sort was made only a year ago by Governor Ames, and in his case likewise the application was unsuccessful.

"Governor Ames, in July, 1874, informed President Grant that there was an alarming condition of things at Vicksburg. He said: 'Infantry and cavalry organizations exist, and it is reported that a number of pieces of artillery have been sent to that city, and these bodies, *organized and armed without authority and in violation of law*, assume to be guardians of the peace.' This reads like an extract from Governor Chamberlain's proclamation and 'address' to the people of the United States. Surely Governor Chamberlain's application is a mixture of Ames and Moses! The President declined to move the troops 'except under a call made strictly in accordance with the terms of the Constitution.' The excitement increased in Mississippi, and Mr. Pease, ex-United States Senator, informed Attorney-General Williams, in September, 1875, that 'a civil posse, composed of good citizens of all political parties, and of sufficient force to protect life and property, can be had in any county in the State.' A similar assurance could be given to-day by the executive committee of the democratic party in South Carolina. On September 8, Governor Ames made the formal call for 'such aid from the Federal Government as may be necessary to restore peace to the State and protect its citizens.' The answer of the President was transmitted on September 14 by the Attorney-General, who said: 'It is the plain meaning of the Constitution and the laws, when taken together, that the executive of the State may call upon the President for military aid to quell domestic violence *only in case of an insurrection in any State against the government thereof when the legislature cannot be called together*. You make no suggestion even that there is any insurrection against the Government of the United States, or that the legislature would not support you in any measures you might propose to preserve the peace.' This was the deliberate decision of the President, who then said: 'The whole public are tired out with these autumnal outbreaks in the South, and the great majority are now ready to condemn any interference on the part of the Government.' Consistency, truth, and law require that the answer given to Governor Ames be given to Governor Chamberlain.

"The law, as construed by Attorney-General Williams, directs that military aid shall be given to quell domestic violence 'only in case of an insurrection in any State against the government thereof when the legislature cannot be called together.' The obligation of the National Government to render such aid is an integral part of its obligation to guarantee to every State in the Union 'a republican form of government.' It would have been the duty of the United States to protect each State against invasion and domestic violence had not this special provision been inserted in the Constitution. In the convention that framed the Constitution, Mr. Rutledge took the ground that 'it was not

necessary to insert any guarantee; no doubt could be entertained but that Congress had the authority, if they had the means, to co-operate with any State in subduing a rebellion; it was and would be involved in the nature of the thing.' This is discussed in the Federalist, and the conclusion reached is that 'the guarantee could only operate against changes (in the form of government) *to be effected by violence*.' There is abundant authority to sustain the position taken by the Government last year. The application, in the case of South Carolina, is clear. There is no domestic violence. There has not been found in this State a single instance of resistance to the mandate of any competent officer or court, except in the case of some riotous negroes in Colleton and Aiken. There is not a shadow of justification for saying that there is an 'insurrection'; which is defined to be 'a rising up of individuals to prevent the execution of law by force of arms.' There is no such rising up, existing or threatened, in South Carolina, nor is there any effort or threat to prevent the execution of law by force of arms. On the contrary, the democracy, numbering some seventy thousand law-abiding citizens, stand ready to give the executive, in enforcing the law, any assistance that may be required. When Governor Chamberlain finds that his officers are unable to execute the process of any court—and no such inability has been shown—the citizens of the State, as in Mississippi, will furnish 'a sufficient force to protect life and property in any county in the State.' Again, it is not impracticable to convene the legislature; nor is there any reason to suppose that the legislature would not support Governor Chamberlain 'in any measures' he might propose 'to preserve the public order.' There is no insurrection in the State; the legislature can be called together. The application of Governor Chamberlain must be denied, if the law and the facts and the opinions and decisions of President Grant a year ago mean and count for anything.

"There is a change in the political situation since 1875. President Grant, in refusing to use the troops to intimidate and overawe the Mississippi democracy, may only have deferred to the public sentiment described in the reply to Governor Ames. The election in November is for President and Vice-President, while the Mississippi election last year was for State officers only. The republican party is threatened with defeat. Even South Carolina may choose democratic electors. These considerations will, perhaps, induce the President to take the extreme measures which were not a political necessity in 1875. But, the facts in South Carolina being the same as they were in Mississippi, a compliance with Governor Chamberlain's demand will be a public acknowledgment that military aid is required and given, not to quell domestic violence or to suppress insurrection, but to quell and suppress the democratic party. The effect of such an acknowledgment in the North and West will be excellent. It will turn the scales in more than one doubtful State in favor of the democracy, and, as we believe, without injury to that party in this State."

2d. Extract from editorial from same paper, issue of October 19, 1876:

"THE PROCLAMATION AND ITS EFFECT UPON THE CANVASS.

"The proclamation of President Grant declares that 'certain combinations of men, against law, exist in many counties, * * * known as "rifle-clubs," who ride up and down, by day and night, in arms, murdering some peaceable citizens and intimidating others.' This is as utterly untrue as the statement that these 'combination' cannot 'be controlled or suppressed by the ordinary course of justice.' No evidence has been offered in support of such charges, except the proclama-

tion of Governor Chamberlain and the letter of District Attorney Corbin, and both the proclamation and the letter have been proved to be, in their most important allegations, conspicuously false. In no single instance has it been shown, or can it be shown, that the democratic clubs have murdered even one citizen, or have intimidated any citizen; nor has there been a single instance of resistance by democrats to the mandate of any court. The 'rifle-clubs,' as they are called, are, for the most part, names and nothing more. Very few of them, outside of Charleston, have any military equipment. They are mainly organizations for mutual protection, where protection is required, and in the canvass take the place of the campaign clubs so common in the North and West. Outside of politics altogether, some form of organization had become necessary. The democrats are liable to be attacked at any moment, as was shown on Combahee and Ashepoo and at Ellenton. Incendiary fires grow more frequent. The political campaign promised to be active and warm. What were the white citizens to do? The natural answer is, that they should have looked to the government for protection. They had looked and looked in vain. The impotence of the State government was an acknowledged fact. No recourse whatever was left the democracy but to band themselves together, so as to assure to themselves and their families some degree of safety. On two occasions only have the rifle-clubs been made use of as 'combinations of men.' Some of the clubs went down to Ellenton, when the negroes there had fired upon the constables, had torn up the railroad-track and cut the telegraph-wires, and had burned houses and barns. And the clubs who went there were acting as a *posse comitatus*, under the orders of the sheriff of Barnwell, and with the sanction of the judge of the circuit. Some of the members of the clubs went to Cainhoy on Monday night, to save that helpless settlement from the destruction with which it was threatened. This is the head and front of the offending of the democracy. For conduct as reasonable, rational, and necessary as this, the democracy are branded as assassins and treated as outlaws. But it is of little use to argue and explain! To save the republican party in South Carolina from defeat, it is requisite to overawe and discourage the democracy. The course that seemed likely to accomplish this was to threaten the democracy with arrest and imprisonment, under the elastic and comprehensive enforcement act. Whatever falsehood and misrepresentation were required to give a color of excuse for raising the mailed hand of the Government, has been furnished by Governor Chamberlain in Columbia and by Senator Patterson in Washington. There is no ingenuity or novelty in their story, but it serves the purpose.

"President Grant, having described the insurrectionary condition of the State and the inability of the State government to enforce the laws, commands 'all persons engaged in said unlawful and insurrectionary proceedings to disperse and retire peaceably to their respective abodes * * and hereafter abandon said combinations, and submit themselves to the laws and constituted authorities.' How is this to be done? There are no 'unlawful and insurrectionary proceedings' on the part of those against whom the proclamation is directed. Therefore, they cannot discontinue them. Nor can they disperse and retire peaceably to their homes, for they are at home already. The requirements of the proclamation cannot possibly be complied with. The rifle-clubs have not, since the issuing of Governor Chamberlain's proclamation, done any act that even he can call unlawful. They do not parade with their arms. They do not drill. And we presume that, as a body, they are virtually disbanded. Beyond this the members of those clubs cannot go. They have

the right, as citizens, to keep and bear arms, and they will exercise that right. The proclamations of the President and of Governor Chamberlain deal with unlawful acts, not with acts that are lawful; and as the democracy have not exceeded the law, they are far from being terrified.

"The serious question is, what effect will the proclamation have upon the canvass in this State? It has been suggested that the effect will be disastrous, and some democrats are already seriously depressed. We do not see, however, that there is any reason for alarm, or for any change in the plan of the campaign.

"One great object of the republican leaders is to make the colored people believe that it is their duty to vote for Chamberlain, and that the President expects and desires it. The colored man loves to be on the strong side, and always strives to range himself with those most likely to win in the game that is playing. When they see that troops are dotted all over the State, that Chamberlain makes common cause with rascality, and Grant joins hand with Chamberlain, the colored people will incline to the republican party again, and much of the excellent work of the campaign may be undone."

3d. Extract from editorial from same paper, issue of October 20, 1876:

"*The state of the canvass.*—The United States troops are pouring into South Carolina in sufficient force to furnish a garrison for every county in the State. President Grant has declared that South Carolina is in an insurrectionary condition, and infantry and artillery are massed here to crush out the insurgents. The sorry part of it is, that the insurgents are not to be found. In no respect could South Carolina be differently treated had Hampton raised some banner with a strange device, and, at the head of an army, marched upon Columbia, defying the Government and sending rebellious bulletins to the White House. But there is no insurgent force. General Hampton continues to make speeches and converts, the farmers and merchants attend closely to their business, when they are not attracted to political meetings. There is no rioting, no wrangling. When it is desired to arrest a citizen, and the prescribed dollar and a half is paid for the cut-and-dried affidavit, there is no shadow of resistance. The citizen finds that a deputy marshal or a party of soldiers have paid him a visit on business, and he cheerfully accompanies them to the place where the bail can be procured. Here and there a republican negro, emboldened by the onslaughts of governor and President, burns the house of a democrat or bushwhacks him at night. Beyond this there is no stir in the State, except what is made by fireworks, barbecues, and public speaking. The troops wonder what they are to do. The people wonder why they were sent here. The nation, with bated breath, awaits the tidings of a desperate conflict in South Carolina, and grows tired of waiting, for no conflict comes, except in the shape of an attack by republicans upon democrats. The President's proclamation was intended to be a tragedy, and turns out to be a farce. In a very few days the whole Union will know the truth about South Carolina, and see that the proclamations of both governor and President were founded upon a condition of things which was intended to be created, and did not exist when the proclamations were issued. Governor Chamberlain knew this, and the President could have known it if he had so desired.

"Had any resistance to the authorities of the State or of the United States followed the proclamation of Governor Chamberlain, the conduct of that officer would have been excused. It would have been said that he had taken time by the forelock, knowing better than outsiders could know what was about to happen. In the same way, any collision with the United States authorities, now or hereafter, would cause the Ameri-

can people to forget that there was no domestic violence or insurrection in the State when the combinations of men in buckram were ordered to disperse. This was the reliance of the republican leaders. They hoped and believed that the Aiken and Barnwell arrests, and the nursing of republican meetings by soldiers would so irritate the democracy as to make it easy to precipitate a fight, in which democrats would stand on one side and the deputy marshals and the troops on the other. The extreme and unconstitutional conduct of the Government was expected to be judged by the very acts which that conduct was expected to cause. But there has been no demonstration by the democrats, and, instead of leveling guns at the troops, they shake hands with them and salute the flag."

Q. Several of the witnesses for the contestee have testified that the condition of society in South Carolina during the campaign was such as to warrant the apprehension of violence and riotous conduct on the part of the democrats. Was the condition of society such as to warrant any such apprehensions?—A. Emphatically it was not, in proof of which I submit the following evidence:

1st. The letter of Wade Hampton to Chief-Justice Moses and reply of Chief-Justice Moses:

"What the judges say.—Correspondence between General Wade Hampton and Chief-Justice Moses.

[Special dispatch to The News and Courier.]

"COLUMBIA, October 3.—The following correspondence took place yesterday:

"SUMTER, October 7, 1876.

"DEAR SIR: In view of the grave charges made by Governor Chamberlain against the democratic party and their mode of conducting the present canvass in this State to Colonel Haskell, charges declaring that the State is an armed camp, and that our meetings are attended by organized armed bodies, may I ask you as a republican and as the chief-justice of the State to say if, in your observation, these charges are borne out by the facts of the case? You saw to-day one of the largest meetings we have held, and you can therefore speak from experience and personal observation. I have been through seventeen of the counties of the State, and I have addressed, I am sure, at least one hundred thousand people, and I can say with perfect truth that I have not seen one single armed body of men nor has one disturbance occurred at any of these vast meetings. My solicitude for the good name of our State will, I trust, be a sufficient excuse for my calling your attention to this matter.

"Requesting an early answer, I am, very respectfully, your obedient servant,

"WADE HAMPTON.

"To his Honor F. J. MOSES,
"Chief-Justice."

THE REPLY.

"SUMTER, S. C., October 7, 1876.

"MY DEAR SIR: I am just in receipt of your note, and at once reply to the same. For the last three or four months I have not been in any of the counties but those of Sumter and Richland. Within that period I have been present at only two political meetings, one held by the republican party and the other, to day at this place, by the democrats. Although I was at the latter but a short time, I was for the greater part

of the day in the streets, with every opportunity of observing the behavior and demeanor of the large concourse which the occasion had brought together. The collection consisted of citizens on foot and horseback; I saw in no instance any exhibition of arms or any behavior inconsistent with the strictest propriety. At the republican meeting to which I have above referred there was no attempt at interruption. I shall require very strong evidence to satisfy me that South Carolina is an armed camp. I know of nothing which would lead me so to conclude. For myself I do not know of anything which would make me doubtful in any part of the State of enjoying the same security which I feel attaches to me under my own roof. I trust the day is far distant when violations of the peace in our own borders will require the interference of any arm more potent than that of the law.

“Very respectfully, yours,

“F. J. MOSES.

“To Gen. WADE HAMPTON.”

2d. The replies of judges A. J. Willard, T. J. Mackey, Thompson H. Cooke, A. J. Shaw, L. C. Northrop, and R. B. Carpenter:

VIEWS OF JUSTICE WILLARD.

In reply to letters from Col. A. C. Haskell, chairman of the democratic executive committee, Associate Justice Willard, (republican,) of the supreme court, writes:

“COLUMBIA, S. C., *October 7, 1876.*

“To Col. A. C. HASKELL:

“DEAR SIR: Your note of this date is before me, asking an expression of my views as to the existence of rancor and manifestations of violence in the character of the democratic canvass of this State. I am unable to throw much light on this subject for two reasons. In the first place, I have been absent from the State for the last three months, and only a week has passed since my return to this city. In the second place, my ideas of the character and responsibilities of the judicial office have led me at all times to abstain from participating in political action, and accordingly I have little information except that derived from public rumor and the newspapers of what has transpired at political gatherings. I can only say that I have witnessed nothing beyond the circumstances generally characteristic of an excited political canvass. I have seen no violence; on the contrary, as far as I have had intercourse with gentlemen of your party, I have observed less disposition to excited statement and personal bitterness than during any of the previous political campaigns of this State. I sincerely hope that the fears of many, that the lawless portion of the community will be permitted to disturb the peace and injure the good name of the State are groundless. I am satisfied that it is the intention of the leading members of your party to prevent such a state of things, and I believe they have the ability to do so.

“Very respectfully, your obedient servant,

“A. J. WILLARD.

“JUDGE MACKEY’S PROTEST.

“Circuit Judge T. J. Mackey (republican) telegraphs as follows:

“CHESTER, S. C., *October 7.*

“To A. C. HASKELL,

“*Chairman State Democratic Committee, Columbia, S. C.:*

“In reply to your inquiry of this date, I would state that peace and

order prevail throughout the limits of the sixth judicial circuit, embracing the four counties of York, Chester, Fairfield, and Lancaster. In this circuit no armed organizations obstruct judicial proceedings, and no resistance has been offered to the due execution of legal process. In charging the grand jury of York, on last Monday, I stated that if any citizen, whatever might be his race, color, or party, had been threatened with loss of employment, or put in terror because of his political opinions, he should make complaint before the grand jury or in open court, and the laws should be put in motion to sustain him in the free and untrammelled exercise of all his rights of citizenship. The grand jury, consisting of nine white and six colored citizens, reported unanimously on last Wednesday night that no organizations, either armed or otherwise, having for their object the exhibition of force to control the free exercise of the elective franchise, existed in that county, and no complaint charging the existence of such organization had been made to them. The same is true of each and every county in this circuit. The only case of political intimidation that has transpired in this circuit was tried at York on last Thursday, the defendant being one Edward McDonald, colored, charged with threatening the life of one Henry Lowry, also colored, because he had joined a democratic club, and had declared his purpose to vote the democratic ticket. The jury consisted of six republican colored citizens and six white men, one of whom is also an avowed republican. The prisoner was ably defended by W. B. Williams, esq., himself a candidate on the democratic ticket. The jury were charged by me that they were the sole judge of the evidence, and that the guilt of the prisoner must be established beyond a reasonable doubt to warrant a conviction. They rendered a verdict of guilty, and I sentenced the prisoner to three months in jail; the lowest penalty prescribed by law for the offense. I have traversed many counties in the State canvassing for Hayes and Wheeler and in favor of Chamberlain for governor during the past sixty days, and I have nowhere seen an attempt on the part of any portion of the population to suppress the right of free speech by armed violence.

"I solemnly protest against the proclamation of Governor Chamberlain as absolutely false, in so far as it imputes to the inhabitants within the limits of this circuit any purpose to obstruct the ordinary course of judicial proceedings, or to resist in any manner the due execution of the laws for the protection of life, property, or the rights of citizenship; and I have good and sufficient reason to believe, and do believe, that the said proclamation is equally false in imputing such insurrectionary purpose to the white population in the other circuits of this State. I regard the proclamation as symbolizing fitly a formidable conspiracy against the rights of the people, having for its object the carrying of this State for D. H. Chamberlain and his candidates, which conspiracy is further typified by a board of State canvassers or election returning-board the majority of whose members are candidates on Chamberlain's ticket, and by ninety-six commissioners of election in the several counties, seventy of whom are Chamberlain's declared partisans, and of which last number some forty are county treasurers and auditors or trial-justices, holding lucrative offices by his appointment and removable from office at his pleasure, or are known to him as declared candidates for office, indorsing his ticket, who unseat themselves if they make a declaration of the election which seats the candidates opposed to Chamberlain and ticket.

"The rifle-clubs that he has ordered disbanded are in the main organizations chartered under the act of the republican legislature in 1874,

and all of them are acting but in the assertion of the right of the people to keep and bear arms, guaranteed against infringement in the second article of the amendments to the Constitution of the United States, and all assert their loyalty to the Union and obedience to its laws, and respect and uphold its flag.

"T. J. MACKEY, *Judge*.

"THE OPINION OF JUDGE COOKE.

"Judge T. H. Cooke (republican) writes :

"COLUMBIA, October 7.

"To Col. A. C. Haskell,

"*Chairman of the Executive Committee of the Democratic Party :*

"DEAR SIR: I have just read the proclamation of Governor Chamberlain as to a reign of terror in this State, and his inability to enforce the laws through the ordinary channel, and I must say that the causes alleged for issuing the same do not apply to the eighth circuit, over which I preside, nor do I believe they have any existence as to any other portion of the State.

"I am, very respectfully,

"THOMPSON H. COOKE,

"*Judge of the Eighth Circuit, State of South Carolina.*

"THE LAW SUPREME IN JUDGE SHAW'S CIRCUIT.

"In response to an inquiry of Colonel Haskell, Judge Shaw, of the third circuit, telegraphs as follows :

"SUMTER, October 9, 1876.

"To Col. A. C. HASKELL:

"I know of no lawlessness or violence which the law cannot remedy in this circuit. The law is maintained and administered without difficulty.

"A. J. SHAW,

"*Judge Third Circuit.*

"NO RESISTANCE TO LAW IN THE SEVENTH CIRCUIT.

"The following telegram was received this afternoon in response to one from the chairman of the democratic executive committee :

"NEWBERRY, October 9, 1876.

"In reply to your inquiry, I have to say that I am in nowise prepared to express any just opinion upon the peace of the State, except so far as concerns the circuit over which I have the honor to preside. Since my appointment to the bench I have been engrossed by my judicial duties, which have been and are onerous. They have left me without time or inclination to become advised of particular matters outside of my circuit. I am not aware of any resistance to the process of the court in this county, where I have been holding court for a week. Unusual quiet prevails. There seems to be a public apprehension that the times are out of joint, and a general anxiety that public order should be preserved. Speaking for this circuit, I can only say that while the public mind is of course inflamed by the ardor of the campaign, I have not yet been confronted by any organized or individual resistance to the authority of the courts. The good sense of the people will continue to preserve the public peace.

"L. C. NORTHROP,

"*Judge Seventh Circuit.*"

A calm before the storm—Judge Carpenter adds his testimony to that of the other judges.

[Special dispatch to The News and Courier.]

“COLUMBIA, Tuesday Night, October 10.

“There are no new developments at the State-house or at the democratic headquarters to-night. In response to an inquiry from Col. A. C. Haskell, in his official capacity, in regard to the alleged lawlessness of the rifle-clubs, the following response has been received from the Hon. R. B. Carpenter, judge of the circuit comprising Kershaw, Richland, Lexington, and Edgefield Counties:

“COLUMBIA, S. C., October 10.

“Col. A. C. HASKELL,

“Chairman State Democratic Executive Committee:

“DEAR SIR: I have the honor to acknowledge the receipt of your letter of this date, propounding certain questions in reference to the condition of the judicial circuits of the State and certain military organizations. After a month's absence from home I returned about a week ago, and since that time I have been exclusively occupied with official affairs, holding the regular term of the circuit courts for this county. As to the alleged lawlessness and violence in other portions of the State, I know nothing. I have seen statements in the newspapers giving different and entirely contradictory accounts of the transactions referred to in the proclamation of Governor Chamberlain, but have not examined the testimony or been in either of the localities. Since my return home I have been treated by my acquaintances of both political parties with the usual kindness and respect, and I have seen no exhibition of violence and lawlessness. No resistance to judicial process or authority has been attempted in this circuit, to my knowledge, since I have had the honor to be its presiding judge. I am not acquainted with any other than the Richland rifle and the Richland volunteer rifle-clubs. I do not know of my own knowledge, nor has any complaint been made to me, of any acts of violence, open or secret, having been committed by these companies. My acquaintance with the members of those organizations is quite general, and, from my knowledge of the personal character of the gentlemen composing them, I should think no danger to the peace and good order of society could be rationally apprehended from that source. Withdrawn from partisan politics as a citizen I feel a deep interest in the welfare of the State, and I hope those of both parties having charge of the canvass will exercise such prudence, justice, and fairness, as will insure a free, fair, and full expression of the popular will.

“I have the honor to be, respectfully, your obedient servant,

“R. B. CARPENTER.

“Judge Carpenter's letter completes the testimony of all the State judges, so far as attainable. Judges Wright and Townsend are absent from the State, and Judge Reed cannot be reached by telegraph.”

Q. What was the position of the democratic papers of this county in reference to the introduction of troops?—A. They were decidedly opposed to it.

Q. Have you any proof of this opposition?—A. In proof of it I herewith submit editorial article from The Sumter Watchman, of October 12, 1876:

“BRUTEM FULMEN.—Governor Chamberlain has issued a proclamation, which our readers will see on another column, declaring two counties of the State in a state of insurrection. The only disorder in

these counties is created by the misguided followers of the republican party, and could have been suppressed long ago if he had one ounce of integrity and manhood.

"The requisition to the 'rifle-clubs' to disperse, is simply ludicrous. There are no bodies of men in the State not authorized by law, and there is no body to disperse.

"As to arms: They are all private property, owned and held by individuals, under the broad ægis of the constitution, and Governor Chamberlain has not power, either legal, moral, or physical, to get possession of them.

"This attempt to crush out the liberty of a whole State will fail utterly. Let our people, in all cases, observe the law and submit to its process, and disappoint this arch-deceiver of his aim to bring down upon our heads the power of Grant's troops, and deprive us of the sympathies of the American people."

"GENERAL HAMPTON'S LETTER.

"*To the Editor of the Tribune :*

"SIR: The pressure of my public engagements and delay in obtaining a copy of the letter of Governor Chamberlain have prevented me from making an earlier reply to your courteous dispatch. Even now I cannot enter into any long argument, but must content myself with a brief review of Governor Chamberlain's letter. My opinions are based upon an intimate knowledge of the people of this State, and upon personal observation made in every county in the State during the present canvass.

"First. I deny that when Governor Chamberlain issued his proclamation and called upon the President for aid, there was or had been either domestic violence or insurrection in this State. The testimony of the judges and other civil officers of the State in the several circuits and counties, and particularly in the counties in which such violence is alleged to exist, agree upon this point; and Governor Chamberlain has failed to give a single instance where any democrat has resisted arrest. There surely cannot be either insurrection or domestic violence where the courts are uninterrupted and justice is unimpeded.

"Second. I deny that sheriff or constable could not have arrested or dispersed at any time any body of organized democrats in this State. The white citizens of South Carolina have a traditional reverence for the law and its officers which survives even the corruption and inefficiency of its agents. In proof of this I cite the fact that the forty or more citizens accused of being implicated in the Hamburg riot surrendered to the sheriff of the county when no troops were within reach. This fact should have been sufficient to satisfy Governor Chamberlain, had he desired to be satisfied, that his officers, under proper directions, could, without risk to themselves, have accomplished the very purpose sought to be gained by garrisoning the State with troops. But had he made the endeavor, its success would have vindicated the character of the white citizens, and left him no pretext or excuse for raising the cry of violence and insurrection.

"Third. I deny that it was impracticable to convene the legislature to make application to the United States Government for protection against domestic violence; and unless it could not be so convened the governor had no authority to ask, nor the President to grant, the protection granted. Within a week or ten days the legislature could have assembled. Governor Chamberlain, however, agrees that if a case had

arisen which would warrant the legislature in calling for protection, the legislature could not be convened in time to secure protection before such domestic violence had accomplished its purpose. This construction would make the very fact which justifies the legislature in calling for protection a sufficient reason for dispensing with any action on the part of the legislature. The want of funds in the treasury is not a sufficient reason for dispensing with the constitutional requirement that the legislature should be convened. The members are paid an annual salary, and not by the day or session, and any expenses incident to an extra session could have been provided for by the body itself.

"Fourth. I deny that the few rifle-clubs in this State which were fully armed 'were formed and have been constantly used as the chief basis of organization of the democratic party.' These clubs were formed long before the present canvass began. Some of them dated back to the war of the Revolution. Nearly all of them have at some time been sanctioned by the acts or words of Governor Chamberlain. They were in no sense political organizations or used for political purposes. The rest of the so-called rifle-clubs have weapons as such. They are neither more nor less than campaign clubs, moving and acting together for reasons such as prompted the organization of the Boys in Blue, the Grand Army of the Republic, or other kindred associations. During my canvass of the State, I have not seen a single gun or saber in the possession of these clubs, and they have not carried any such at any meeting at which I have been present. On the other hand, the colored militia, with loaded rifles and fully officered, do constantly attend public meetings in this State to the danger and annoyance of peaceful citizens.

"Fifth. I deny most emphatically that the rifle-clubs have killed many members of the republican party, have whipped and outraged hundreds, and individually threatened thousands. I challenge Governor Chamberlain to the proof of this charge, which I know to be a foul slander upon a people whose rank offense is that they are no longer willing to be plundered and oppressed by Governor Chamberlain's party. But I call attention to the fact that at Combahee for days and weeks armed bands of negroes whipped and beat other negroes, resisted arrest, defied the law, and rescued those who had been arrested, and that not one of those law-breakers has been brought to justice. During these disturbances, though appealed to by the sheriff for aid to enforce the law, the Governor never visited the scene to ascertain the facts or lend his aid to the preservation of peace. Governor Chamberlain has failed to give a single instance where a republican has suffered by the intimidation or violence of a democrat. The existence of such outrages rests upon his unsupported assertion; while the papers of the State are filled with instances, name, date, and place, fully given, where democratic negroes have been threatened, beaten, and wounded by republicans. Yet no arrests were made, nor have troops been sent for their protection. As far as he can, the executive teaches that the colored democrat has no rights that the authorities are bound to respect.

"Sixth. I deny that the assembling of the armed white citizens at Ellenton was in pursuance of a well-matured plan. The assemblage was simply the gathering of citizens to protect and defend their neighbors, who were in imminent danger from the armed negroes who had already fired upon the constable and the posse bearing a warrant for the arrest of a fugitive from justice. As soon as a body of United States troops arrived and undertook to disperse the riotous blacks and to protect the resident whites, the citizens gladly returned to their homes.

"Seventh. I deny that there is anything inconsistent or contradictory in the present attitude of the democrats in this State toward Governor Chamberlain. Until his election, his conduct and associates gave him no claim to our confidence or trust. As soon as he placed himself in opposition to the corrupt members of his party, and as long as he was engaged in the work of political reform, we gave him our support. But the constitution of the republican party was in no wise changed. The old leaders were as strong in the second year of his administration as in the first, and signalized their strength by the election of Whipper and Moses as judges. This and other manifestations of the power of the corrupt republicans forced the democrats to the conclusion that the republican party was incapable of reforming itself. The only alternative was to reorganize the democratic party and nominate democratic candidates. This has been done, and the nomination of Governor Chamberlain by and with the very men he had repeatedly and bitterly denounced as unworthy of support, justifies our decision and action.

"Turning from Governor Chamberlain's letter, I desire to say a few words as to our present condition and future prospects. Of the wretched misgovernment of this State it is unnecessary to speak. Your own columns have told the story in burning words, and Governor Chamberlain himself has said, 'Our State needs reform in nearly every department of the public service.' Matters cannot run for six years to come as they have for the past six years. 'Reform has become absolutely necessary, or the State will sink.' With the truth of this we are firmly impressed; and it is because we believe it, and because we believe that the party which has brought these evils upon us is alike unwilling and unable to remove them, that the democracy are united as never before, to secure peace and good government. We own by far the larger portion of the property of the State. We pay the taxes and bear the burdens, and to us good government is a necessity. The first element of good government is harmony between the races who must live together, and to its preservation we are bound by every obligation of interest. Whatever else may be said, every candid man must recognize the forbearance of the white people of this State under provocations to which American citizens are rarely subjected. I have pledged myself, and the democratic party is pledged, to uphold every right guaranteed by the laws of the State and of the United States, and to see that equal, impartial justice is administered without regard to color, class, or party. We can redeem these pledges, preserve peace, insure protection to every citizen, white or colored, and make this State once more honest, tranquil, and prosperous. That and that alone is the object of this canvass.

"WADE HAMPTON.

"CHARLESTON, S. C., *November 2, 1876.*"

Q. It has been attempted to be proved that the contestant, J. S. Richardson, advocated during the campaign a policy of force, in order to obtain colored votes for the democratic tickets. Do you know Mr. Richardson?—A. Yes; I have known him intimately for over two years; was with him during the campaign a great deal, and heard him speak at a great number of public meetings.

Q. Have you ever heard him, in private or public, advocate a policy which could be construed into force or intimidation?—A. Never. On the contrary, I have heard him invariably advocate a course diametrically opposed to that of force.

Q. Prior to the 20th of September, 1876, was the Sumter Watchman the recognized organ of the democratic party in this county?—A.

Emphatically it was not, but was denounced publicly and privately repeatedly by the democrats, because of its gross misrepresentations of the spirit and the plan of the democratic campaign in Sumter County.

Q. Was not that paper purchased by its present proprietors in order to make it the organ of the democratic party?—A. It was.

Q. When did the change of proprietors and editors take place?—A. The first issue under the new (present) proprietorship of that paper was on the 20th September, 1876.

Q. Some time previous to the 6th September, 1876, the following paragraph appeared in the Sumter Watchman, to wit: "We hear, near our sanctum, at night, not unfrequently, the 'Right shoulder shift!' 'Order arms!' 'Carry arms!' &c. What's the matter? Are we about to have another secession or conflict with the General Government? God forbid." This paragraph has been put in proof by the contestee in his reply, and the witness spoke of it as showing the spirit and plan of the democratic campaign in Sumter County, and referred to it as coming from a good democratic journal. Did this paragraph appear in a good democratic journal, or does it represent the spirit and plan of the democratic campaign in this county?—A. I deny that the Watchman at the time of the publication of that paragraph was in any sense an organ of the democratic party, or that that article represented the spirit of the democrats of this county at any time during the campaign.

Q. Was not the outcry against the injustice of the paragraph such as to cause the then editors of the paper to make an explanation of it, or to attempt to do the same?

(Contestee's counsel objects to witness giving any opinion as to this explanation, because he now has the article in his possession and before his face, and it is submitted that it should be put in testimony in order to show for itself.)

A. It was, and I herewith submit the article:

"We hear, near our sanctum, at night, not unfrequently, the "Right shoulder shift!" "Order arms!" "Carry arms!" &c. What's the matter? Are we about to have another secession or conflict with the General Government? God forbid."

"This paragraph seems to have been misunderstood by some. It was written and printed in the interest of peace. In these times of high political excitement, irritation begets irritation; arming on one side begets arming on the other, which may lead to collision, to end only in general injury to the country. If the white men of our section will organize and drill a military company upon the broad, liberal, national platform of ideas, such as represented by the Washington Light Infantry of Charleston, (which company is never found involved in the local, sectional, or political issues of the hour or day,) we would encourage it with all the humble influence of this journal. If possible, during this heated political canvass, we would avoid collisions and bloodshed. But in no sense was our paragraph intended to quench the national or peaceful military pride of our country. It is honorable and patriotic to our young men; and it shall be the purpose of this paper simply to endeavor to inculcate the true spirit which should be infused into our citizen soldiery. The Centennial Legion at Philadelphia—a company from each of the old thirteen States—fully represented this, now a growing, spreading spirit; and we appeal to our young men, who are to stand for their country in the time to come, to emulate it—that revolution, with all its disastrous and soul-rending scenes of violence, bloodshed, rapine, and murder, may no more visit and scourge our fair land, but that when we shall be sleeping beneath the dust, the white-winged goddess of peace

shall sit enthroned over our country, giving unto those who are to come after us all the inestimable blessings that therefrom flow. Our little paragraph, therefore, was not political, but national and peaceful, as we have thus found words to explain it."

Q. The paragraph referred to in this article above submitted was published prior to the 6th of September, was it not?—A. Certainly; a week preceding, and possibly more.

Q. At the time of its publication had D. H. Chamberlain been nominated for governor?—A. He had not been.

Q. Witnesses for the contestee have testified that there was great intimidation on the part of the democrats over colored voters to compel them to vote the democratic ticket. Is this, in fact, so?

(Objected to as a matter of opinion.)

Contestee's counsel further objects to any alterations being made in the above question, same having been submitted to the witness and objected to.

Contestant claims the right to make his question as plain as may be required, especially when, as in this instance, the witness asks that it be made plain, and presented to him without obscurity or ambiguity.)

Q. Witnesses for the contestee have testified that great intimidation on the part of the democrats over colored voters, to compel them to vote the democratic ticket, was generally resorted to, and carried out, in this county. Was this, in fact, so?—A. It was not.

Q. Was it not a fact that there was more intimidation on the part of colored republicans, men and women, over persons of their own color to compel them to vote the republican ticket than there was intimidation on the part of the democrats to make them vote the democratic ticket?—

A. I am satisfied that there was a great more intimidation by the blacks of the blacks than there was of intimidation of the whites of the blacks. Senator Robertson's speech, delivered in the Senate of the United States January 29, 1877, (a pronounced republican,) so exactly, fully, and satisfactorily expresses my views on this subject that I adopt his language as contained in the following extract from his speech:

"As to intimidation, my opinion is very decided that the intimidation by the blacks of the blacks was far more persistent, universal, and effectual than intimidation of blacks by the whites. The violent threats of the blacks against those of their own color who were disposed to vote the democratic ticket did, I am confident, deter many blacks from voting the democratic ticket. This coercion was almost everywhere, and was something fearful. There was a strong feeling among the majority of blacks that if the democrats succeeded their rights were in danger; many believed they would be reduced to slavery. This apprehension was very much enforced by republican tactics, and the republican blacks were taught to look upon democratic blacks as traitors."

Q. Were there not many instances of marked intimidation of colored voters by persons of their color on account of their being democrats or because they desired to vote the democratic tickets which, during the campaign, were published and passed uncontradicted?

(Objected to, as calling for hearsay and opinion.)

A. I know of one instance that came under my personal observation, and read and heard of innumerable other instances. Of some of which I have read are the following, as published in the News and Courier:

"INTIMIDATION IN SOUTH CAROLINA—A STATEMENT OF FACTS.

"The leading republican newspapers in the North are busily engaged in the task of convincing their sensitive readers that the democracy in

South Carolina intend to carry the election in November by general and systematic intimidation of colored voters. These journals see that the whites are organized in clubs of different kinds and attend the different political meetings in large bodies. The inference is that the white organizations, attending republican as well as democratic meetings, 'so impress the blacks with a sense of danger as to render the (republican) gatherings useless for the purpose they were intended to serve.' These are the words of the New York Times, which says, likewise, that, excepting in Charleston, there is no 'authenticated instance' that it has seen of interference by negroes with the democratic meetings, while 'it is difficult to find mention of any republican meeting which has not been broken up or molested in some wanton manner by the democratic "cavalry."'

"The truth is, however, that not even one republican meeting has been 'broken up' by the democrats, and we challenge proof to the contrary. Only one meeting is pretended to have been 'molested.' This was in Edgefield, and Judge Mackey, one of the republican speakers at the meeting, emphatically denies that there was any molestation of any sort. In a letter published last month he said, 'The white men of Edgefield respected the right of free speech in the persons of the republican speakers on that occasion. * * * I deny that there was any attempt at violence or intimidation, although we entered Edgefield with a cavalcade of persons the most obnoxious in the eyes of the people of Edgefield that we could have assembled in South Carolina. Among those having accompanied us from Columbia were Congressman Smalls, who had grossly vilified the white people of Edgefield on the floor of Congress, Adjutant-General Purvis, who had assailed them in his Hamburg report, and Harris, the colored county commissioner, who had fled from Edgefield to avoid arrest on the charge of being at the head of a conspiracy to assassinate General Butler.' This is good evidence, we submit, and it comes from an approved republican source.

"It is admitted that outside of Charleston there has been no serious or general interference with democratic meetings. The reason is that the democracy, knowing the animus of the radical leaders, go to those meetings in force sufficient to prevent interference by making it dangerous. For their own protection and that of their colored allies, to manifest their interest in the cause of good government, the whites go by thousands, mounted or afoot, to the democratic meetings. Fifty thousand persons have attended the meetings at which Hampton has spoken since the canvass began, and there has not been even a fisticuff fight at any one of them. This is proof enough of the peacefulness of the whites and of their determination to avoid violence or rioting.

"But while the whites act exclusively on the defensive, the radicals, whenever they have the opportunity, pour out the vials of their wrath upon the democrats. At the large public meetings they dare not attempt much, but whenever they can catch a colored democrat they pounce upon him, and use both moral and physical intimidation to drive him from the ranks of reform. The enforcement act, on which the republican shriekers for troops rely, makes it unlawful to intimidate a voter by bribery or threats; and this very intimidation is practiced every day in South Carolina *by republicans against democrats*. Not an instance can be proved where a republican in this campaign has been intimidated by a democrat. There are hundreds of instances where democrats have been whipped, beaten, or otherwise injured, by republicans. Very few of these cases have been reported, but we cite some

that have come to our knowledge. The facts can be substantiated by trustworthy witnesses.

"1. There was a colored delegate from Sumter County in the State convention which nominated Hampton. This delegate was chased by colored radicals through the streets of Columbia, and only saved from death by the efforts of the police. His position as a democratic delegate was his sole offense.

"2. In the latter part of August a colored man, named John Lee, spoke at a democratic meeting at Hopkins, in Richland County. As soon as this was known, Lee was attacked by a party of colored radicals, who attempted to kill him. The whites went to his rescue, and he escaped.

"3. On August 25 a democratic meeting was held at Mount Pleasant, near Charleston. The republican negroes tried to break it up. Failing in this, they hurled brickbats and other missiles at the democrats as they were leaving the meeting, and wounded one citizen severely.

"4. On the next day a colored man, at a democratic meeting in Lexington County, said he wanted to join the democratic party, but his life had been threatened and he dared not. This man also said that a number of other colored men were in the same position, and that his own brother is persecuted by a radical magistrate for no other reason than that he is a democrat.

"5. At Crane Creek, in Richland County, on August 30, a colored republican, named Taylor, delivered a radical speech, telling his hearers, among other things, 'that any negro that would vote the democratic ticket ought to be hung; that his nephew had come out for the democrats, and that he had told him if he voted that way he would put a log-chain around his neck and hang him.'

"6. On the last day of the month five colored republicans set upon a colored democrat in Edgefield and belabored him badly.

"7. The month of September opened with an attack in Charleston upon Sawyer and Rivers, two colored democrats. They were, for a time, in great danger. This culminated in the bloody assault upon colored democrats on the night of the 6th, when two persons were killed and several wounded. Since then colored democrats have been several times threatened or assailed, when it seemed safe, by colored radicals, and on Wednesday night these radicals broke up a gathering of colored democrats.

"8. On September 2 a white man who was emphatic in his announcement, in the streets of Columbia, that he was a democrat was abused by a crowd of negro loafers. One of the soldiers of Company B, 18th Infantry, went to his assistance, avowing himself a democrat. This Federal soldier was instantly attacked and his coat torn from his back. Pistols were drawn by the negroes, and after a gallant fight the soldier made good his escape.

"9. Simeon Scott, a colored democrat, was struck and cut in Columbia by the son of a prominent black radical. This was confessedly done because he is a democrat. The assault was fully proved, but a radical magistrate dismissed the case.

"10. A joint political meeting was held at Columbia on the 2d. Hutchin, a colored man, had spoken on the democratic side, and Mr. Marshall, of Columbia, followed on the same side. While Mr. Marshall was speaking he was interrupted by a threat against the democrats, and especially against Hutchin. Daniels, a republican, declared Hutchin should not speak, and that if he attempted to do so he would be killed.

"11. Just at this time a colored man was expelled from his church

for having joined the Black Oak Democratic Club, and was told that he would be taken back if he withdrew from the club.

"12. Our Chester correspondent reported on the 2d, that the radicals had resorted to intimidation to prevent colored men from joining democratic clubs, and were threatening with death any man who became a democrat.

"13. Isaac Butler, a colored democrat, of Mullins, in Marion County, has several times been beset by radical bullies because of his principles.

"14. Ed. Henderson, a respectable colored man in Abbeville, who succeeded in getting fifty-four colored members for the Tilden and Hendricks Club at that place, was waited on by a committee, consisting of London Hill and Cornelius Pressly, who told him 'his politics were obnoxious to the colored people about town,' and advised him to leave.

"15. About September 7 a colored man named Charles Smalls was attacked by several radical negroes, because he declared himself a democrat. Smalls says he was knocked down, beaten, and kicked, and one of the negroes placed the muzzle of his musket at his head and threatened to kill him. The offenders are known, but the local magistrate, a republican, refuses to issue warrants for their arrest.

"16. At Mars Bluff, on September 9, a number of radicals made demonstrations against a few colored democrats, but the two parties did not come to blows.

"17. Several colored men attended a democratic meeting at Dry Creek, in Lancaster County. They were set upon by a band of republicans, and would have been driven off but for the interference of the whites.

"18. A colored man on the farm of Mr. Burkhalter, near Aiken, was told by men of his own color that they would burn him out if he remained a democrat. On the night of the 15th, his barn, with his share of the crop, was burned by incendiaries.

"19. J. B. Johnson, an Orangeburg colored man, declared himself a democrat. As soon as this was done his troubles began. His colored neighbors ostracized him, they commanded him to return to the fold, they lay in wait for him in the fields, and, to cap the climax, the negroes, on the 17th, engaged him in combat and tried to chastise him.

"20. On September 16, William Black, a colored democrat of York County, went to a democratic meeting, leaving his horse in the stable. As he went off a black radical cursed him, telling him he would lose more than he would make. On his return Black found that his horse had been choked to death.

"21. In Clarendon County, the Rev. Andrew Gordon and Cuffee Barnes, colored democrats, have been repeatedly attacked by radical negroes.

"22. Rosser McIntosh, an aged colored man, was set upon by a mob of negro women near Darlington, on Saturday, September 23, and severely beaten because of his having joined the democratic club.

"23. Thomas Martin, a colored man, ex-member of the legislature from Abbeville, announced a few days ago his intention to vote for Hampton. On Friday, the 22d, he was ambushed and shot. His wounds are thought to be mortal.

"24. Mulberry church, near Reesville, in Clarendon County, has expelled a colored member because he wore a Tilden badge.

"25. A correspondent of the Columbia Register, writing from Orangeburg on the 27th, says that in Caw-Caw Township several negroes who have expressed a purpose to vote the democratic ticket have been dis-

missed from their church, and notified not to attend the meetings any more until they renounce their political faith. One old man was visited at night, taken from his house, and severely whipped; and Emanuel Robinson, who has always voted with the democrats, met a similar fate a few nights ago. He is a colored man.

"26. Letters from Newberry County, of recent date, report that the latest style of intimidation is among the negro women, who warn their husbands not to join the democratic clubs or to vote with the white people. If they do, the women will no longer be their wives; for they (the negro women) are told that they will be put back into slavery, and be made to suffer for their husbands being democrats.

"27. A colored democrat, by name Billy McCaskill, was set upon by radicals of his own color last Saturday night, at the plantation of Mr. J. L. Tiller, 5 miles south of Camden. His offense was that he boldly avowed his political principles, and he would have been killed but for the interference of Messrs. Pearce and Tiller.

"28. At a hot supper given by the colored people in Spartanburg, on the 22d, a disgraceful riot occurred. Pink Eaves, a colored man, was severely cut in the shoulder, and several others badly beaten during the row, which originated in an attempt on the part of some of the negroes to abuse and intimidate a colored democrat.

"29. As Billy McCaskill, a colored democrat, was returning from Camden to his home in the Beulah neighborhood the other evening, he was attacked by a radical bully, who announced his intention to kill him because he was a democrat. Billy drew his knife and wounded his assailant in the neck.

"30. On Saturday last, Reuben Siegler, of York, a well-to-do colored man, was attacked by Andy and Green Jordan, who cursed him for being a democrat, and drew their knives and threatened to kill him."

"'INTIMIDATION' IN SOUTH CAROLINA—THE WORK GOES ON.

"Last week we published a brief account of thirty cases, capable of proof, where colored democrats had been threatened, beaten, or wounded by colored radicals. These instances of intimidation in South Carolina covered a period of about one month; the last of them occurred at the end of September. Since the publication of the list the grand jury of Darlington County have returned true bills for assault and battery against the colored women who beat Rosser McIntosh, a colored democrat, on September 23. But the work still goes on:

"31. A notice was found in Belton last week, warning the colored democrats, some of whom were named, not to join in any more processions, and threatening to flog them or make them leave the country, giving them three weeks in which to depart.

"32. Two colored men who are canvassing the State for the democratic party were assaulted in Florence last Tuesday night. Three hundred negroes gathered around them and prevented them from getting on the train. They were in imminent danger, but a party of forty whites came up, and at once put an end to the trouble and rescued the two speakers.

"Intimidation of colored democrats by colored radicals is practiced every day in the week, in every county where the negroes have a majority. Not one in ten of the cases of 'intimidation' comes to our knowledge, and we wish that our correspondents would pay more attention to them."

"MORE 'INTIMIDATION' IN SOUTH CAROLINA.

"The particulars have already been published of thirty-two cases of

intimidation of democratic voters by radicals in South Carolina. These covered a period of a month or six weeks, and we present to-day a brief statement of other political outrages of the same sort.

"33. Winchester Arnold, a colored democrat, was murdered on account of his political opinions at Greenwood, in Abbeville County, the week before last. The entire white population attended his funeral.

"34. At Pendleton, in Anderson County, an attempt was made to blow up a colored democrat, a blacksmith employed by Mr. Hunter. While the democrat was at dinner, a colored republican put a quantity of gunpowder into the forge. This exploded as soon as the blacksmith went to work. The only damage, happily, was the scattering of the coals.

"35. Four weeks ago, a negro man in Colleton County joined a democratic club. Shortly afterward he was set upon by a party of republican negroes and brutally beaten. The democratic club took the matter in hand, and succeeded in causing the arrest of the offenders. They will be tried at the next term of the court of general sessions for Colleton County.

"36. On Sunday, October 1, two or three colored democrats attended a religious meeting near Little Rock, in Marion County. Killis Wright and Jack Henderson, with two or three other republican rowdies fired several shots at the colored democrats. The ring-leaders were arrested, and were immediately taken before two republican trial-justices upon a writ of *habeas corpus*, and released on straw-bail. No suspension of the privilege of the writ is threatened in such cases as that.

"37. Willis Cannon, a colored citizen of Abbeville, has voted the democratic ticket for six years, and is in good circumstances. This has made him a shining example to the colored people of the county, and he fell under the displeasure of the republican party. His case was brought up before the church of which he was a consistent member at a late meeting, and after a full vote he was deprived of his Christian privileges and turned out into the world.

"38. At Eastover, in Richland County, on October 7, Mr. P. H. Joyner, a democrat, was attacked by John Caster, Charles Young, Mose Johnson, and other republican negroes, who threw billets of wood at him, one of which injured his arm seriously. The leader of the gang told Mr. Joyner that 'they had marked him,' and he should 'never cast his vote at another election.' They then fired several shots at Mr. Joyner.

"These are not 'outrages' of the sort manufactured by the imaginative correspondents of republican newspapers. They are the absolute truth, and are, in every instance, capable of conclusive proof. Indeed, the accuracy of our accounts of the intimidation of democrats by colored republicans has not even been questioned. The republicans are unable to adduce any direct and specific charges against individual democrats, while every day we hear of some democrat whom the radical negroes proscribe, beat, wound, or murder. More attention should be paid to chronicling the attacks upon democrats, in order that the criminals may be known and properly punished. The date, place, and name ought always to be given. That is the way to foil the murderous rascals who are leagued together against the State."

"RADICAL PROSCRIPTION.

"Trial-Justices Sloan, of Pendleton, and Reed, of Charleston, have been removed by Governor Chamberlain. There is no charge whatever against them, except that they are democrats, and will vote the straight-out democratic ticket. And while democrats are so removed,

because they support Hampton, the radicals, who hold offices all over the State, are retained, no matter how great is their ignorance, or how bitter and malignant is their advocacy of their candidates. The whole machinery of the State government is to be used against the democracy, and the Columbia Union Herald gleefully says: 'No man knows better whom to appoint or remove than the governor, and it seems like impertinence to make any suggestions in the premises; but we have reason to know that if he would remove every democrat holding any office of honor or emolument in his gift, he would please thousands of his friends and supporters. Straight-out should be the watchword in dispensing gifts. The democrats have introduced it. 'Off with their heads! So much for Buckingham!'

"These removals we do not object to, nor would we prevent them if we could. The radicals, however, had better stop abusing democrats for not employing republicans, except when they can't help it. Democratic preference is certainly no worse than republican proscription."

Q. Have you ever seen or heard any denial of the instances of intimidation enumerated in the above extracts?—A. I do not remember to have seen or heard any denial of the said instances.

Q. In your judgment, if United States troops had not been introduced into the State and into this county, and had not the introduction of the troops been called for by Governor Chamberlain, or threatened to be brought in the State, what would have been the result of the canvass in this county?

(Objected to as calling for opinion.)

A. If it had not been for the introduction of the troops and its moral effect, the election would have resulted very differently in this county, in my judgment.

(All of the foregoing testimony of this witness based upon hearsay, opinion, and extracts from democratic newspapers is objected to as being incompetent, irrelevant, not pertinent to the issue, nor in rebuttal.)

Cross-examined:

Q. You were asked to state facts upon which you based the opinion if the plan of the democratic campaign was opposed to force and intimidation, and you have given extracts from newspapers. Who selected those extracts? Did you do it or did the contestant do it?—A. To the large majority of the extracts my attention was called by the contestant.

Q. Were you not furnished with these extracts, or the papers from which they came, by contestant?—A. I was furnished with copies of the News and Courier containing a great number of the said extracts by contestant.

Q. Did you not by previous consultation with him determine upon the extracts that you were to introduce in this case?—A. I did.

Q. Did you select any extract to be introduced except such as he approved of?—A. I did not; but I directed his attention to several editorial articles in the Sumter Watchman which I thought would be of service to him in this contest, and furnished him with the papers from which to extract the same.

Q. In selecting extracts from the Charleston paper, indicating the character of the campaign, &c., was not great care exercised to select only such pieces as were most favorable to contestant?—A. From the Charleston News and Courier I made only such extracts as contestant invited my attention to. I scarcely think it probable that contestant would introduce matter prejudicial to his own interests, if there was any such

contained in those papers. As to the amount of care taken in the selection of or looking up these articles by contestant, I cannot speak.

Q. Do you know that the speech you have put in here as made by Hampton at his nomination, and also the speech of Hampton and others made at Darlington, are correct?—A. As to the speech of Hampton upon his nomination, I can only say that I have seen the same published in numerous public prints and they invariably corresponded with the one I have submitted in evidence, substantially. The speech at Darlington by General Hampton, and the speech on the same occasion by the contestant, I enjoyed the privilege of hearing as delivered *per oram*, and those speeches are substantially contained in the reports I have submitted.

Q. Please show me the Charleston paper from which you took Hampton's speech at Kingstree.—A. Here it is.

Q. When you came down to the points in the description of the meeting where it was marked in large letters "False alarm and excitement," why did you exclude this part of it?—A. I was not aware of excluding any account of the proceedings of the meeting that I regarded as material to this issue. I herewith submit as much of the proceedings of that meeting as you may desire.

"A FALSE ALARM.—At this point a rumor reached the stand that Swails, the mulatto leader of the radicals, together with his chum Hirsch, had organized a meeting at the court-house for the purpose of drawing off the colored people from the democratic meeting. In view of the fact that he and his party had been invited to 'divide time' at the democratic meeting, this was more than human nature could stand. The boys couldn't see it; they had no intention of allowing such a game. A half dozen speakers were detailed to go up town and 'divide time' with the radicals. Two hundred of the cavalry and about one hundred of the infantry were at once detailed to escort them, and in a few moments the cavalcade was *en route* for the court-house at a gallop. On their way, however, a courier arrived, who stated that it was a false alarm, and so the cavalry turned back.

"In the interval the meeting was entertained by Mr. E. W. Moise, the democratic candidate for adjutant and inspector general. The reporter for the News and Courier, however, had joined the cavalry and gone to the front, so that it is impossible to give a report of the splendid speech of Capt. Moise. It was a telling speech and made a marked effect upon the colored men. The Hon. M. P. O'Connor followed with an eloquent oration, which closed the meeting. The chairman announced that there would be a torchlight procession at night, and the Charleston detachment embarked on the special train for home, reaching the city about half past 9 o'clock.

"J. A. M."

(Contestant consents to the introduction of the above extract as courtesy, without admitting the right of contestee's counsel to submit proof at this stage of the case.)

Q. In giving an extract of the meeting at Darlington, did you give it all or only a part? Show me the paper.—A. A part. Here is the paper.

Q. Is this part of the proceedings of that meeting?—A. It is.

"AN EXCITEMENT.—Colonel Richardson was just concluding his remarks when an excited horseman rode up and said there was a fight between the whites and blacks in the town. A stampede was imminent;

men dashed hurriedly away, the ladies grew pale in their carriages, and a fearful scene appeared unavoidable; but Colonel Law, the chief marshal of the day, jumped upon the stand, gave his orders to the mounted clubs, and in less than five minutes every man was in the saddle and drawn up in line awaiting orders. A detachment of one hundred and fifty horsemen was then sent to the town, who, upon arriving there, found that a personal difficulty had occurred between a white and colored man, both of whom were drunk. Both were shot, the white man being shot in the breast and the colored man in the neck. About fifty negroes had the white man surrounded, and the club demanded the prisoner. The negroes refused and a charge was ordered, but before it was made the man was given up and was turned over to the authorities by the club, and put in jail. The occurrence, although unfortunate, had no connection with the meeting, and quiet and order being restored, the speaking continued.

"Gen. John D. Kennedy was introduced, and made a capital speech. He rehearsed with telling accuracy the rascalities of the republican party during the last eight years, and rendered his recital of facts doubly interesting by the introduction of numerous and appropriate anecdotes. General Kennedy's speech was loudly applauded.

"Col. E. W. Moise, the democratic candidate for adjutant and inspector-general of the State, closed the day's proceedings with a warm and eloquent address, which appealed to the patriotism of the white men and the interests and better feelings of the colored men. He spoke for over an hour and a half, and during that time the attention of his audience never flagged. In speaking to the colored men on the subject of educating their children, he said that so interested was he in their welfare that, if elected, he would pledge to the colored people of the State his entire salary, to be devoted to the educational fund. Colonel Moise was repeatedly and loudly applauded.

"The speaking being over, the crowd dissolved. The speakers were escorted to dinner, and then escorted to the train, where they were bade God-speed by hundreds of brave horsemen and fair ladies. Darlington has good reason to be proud of her grand reception of Wade Hampton and his staff of speakers."

Q. Don't you know that this part of the meeting that has just been put in here gives a statement in relation to the shooting by a democrat dressed in a red shirt, by the name of Kelley, of a colored man, and that after he was arrested by the town marshals he was taken out of their possession by the mounted men and carried, riding behind one of them, up to Hampton's stand?—A. I did not leave the stand with the crowd that went to the scene of the alleged trouble between a white man and a black man, and know nothing, of my own personal knowledge, of the origin or termination of the difficulty. I only know that a white man rode up near the stand and said, while Colonel Richardson was speaking, there was a fight going on down street between the whites and the blacks, and that intense excitement prevailed, and after a short period of fifteen or twenty minutes, to my best recollection, the crowd was informed that a fight had taken place between a white man and a negro man, both drunk, and order was immediately restored, and the speaking went on. If the white man was brought back to the stand where the speaking was going on, behind one of the cavalymen, I did not see it or hear of it, and until this moment had never heard of it.

Q. Do you know anything of the circumstances under which J. S. Richardson made his speech at Timmons ville?—A. I know nothing except from hearsay.

Q. Do you give all the speech in this extract?—A. I am decidedly under the impression that I have given all of the speech as reported in the Timmons ville paper. As I have not a copy of the paper before me, I cannot speak positively as to that.

Q. Did you take this extract from the paper?—A. I did not.

Q. Did you see it done?—A. I did not.

Q. If you did not do it, nor see it done, how do you know it came from the Timmons ville paper, and how do you know that it is all of it as published?—A. I have never said that I knew it to be all of the speech of Colonel Richardson, the contestant, at Timmons ville, but asserted that I could not speak positively as to that. In looking over the extract I readily recognize it as the same speech which I saw reported in the Timmons ville News, a short while after the meeting at Timmons ville.

Q. From whom did you get this extract?—A. From the contestant, J. S. Richardson.

Q. How many democratic candidates were there in this county for Representative?—A. There were four nominations made on the democratic ticket, I think.

Q. Was there not an independent democratic candidate?—A. Mr. Epperson came out as an independent democratic candidate. Shortly afterward one of the regular nominees on the democratic ticket withdrew, (Mr. Earle,) and Mr. Epperson's name was placed upon the ticket in his stead.

Q. Why did Mr. Earle withdraw?—A. I am not informed. I heard from some source that Earle withdrew for fear of causing a division of the democratic vote for Representatives, but don't know if this is true or not.

Q. What caused Tyler Dixon, a colored man, on the democratic ticket for Representative, to come off same?—A. I am not in the confidence of Mr. Dixon, and could not speak as to his private reasons for withdrawing.

Q. Don't you know, or haven't you heard, that he was paid to come off by the democrats?—A. I do not know anything more than what was brought to my ears by the vaguest of mere rumor, but I have heard it hinted that such was the case.

Q. Haven't you heard this from democrats who had reason to know?—A. I heard it, if I am not mistaken, from among democrats.

Q. How much did you hear he was paid?—A. Don't remember to have heard the dimmest intimation of the amount.

Q. Is the ticket, as you have offered it in evidence on page 4 of your testimony, a correct statement of the candidates voted for at the election?—A. No. The alterations above indicated in my testimony were made before the time for voting, and the ticket was voted as altered, I presume.

Q. Were not the colored men voted for on that ticket bitter and outspoken democrats?—A. All the colored men on the democratic ticket were outspoken democrats at the time their names were placed on the democratic ticket. I neither saw or heard anything from any of these colored democrats, on the said ticket, that would lead me to believe that they were bitter, as you term it.

Q. You say that you offer in evidence here, as showing the character of the campaign, an extract from the Charleston paper, which you say is signed by citizens representing almost every conceivable interest in the State. Do they represent politically the democratic or republican interest of the State?—A. The names signed to the document in question are in the main those of persons entirely non-political in character,

but I suppose if they represented any political interest, it is that of the democratic party.

Q. Don't you know that all the lay signatures to that document are strong democratic partisans?—A. I am not acquainted with any of the laymen referred to personally, but I have reason to believe that, without being violent partisans, are democrats, in the sense of being utterly, strongly, and radically opposed to the farther control of this State by what are known as carpet-baggers and scalawags.

Q. Please look at the other half of this list, and say if you haven't reasons to believe that they are democrats, and all represent white churches?—A. With several of the ministers of the gospel whose names appear I am personally acquainted. I know that they eschew politics, but in sympathies I am satisfied that they are identified with the interests of what is known as the democratic party of this State, as contradistinguished to carpet-bag and scalawag rule. I believe that they are, without exception, pastors of white churches.

Q. Do you say that these ministers of churches in Charleston, and these presidents of banks in Charleston, with the president of the Chamber of Commerce of Charleston, represent almost every conceivable interest of this State?—A. Directly and indirectly, I am satisfied they do.

Q. Don't you know that these men in Charleston, presidents and preachers, could possibly know but little as to the organization of rifle-clubs in this State or not?—A. I suppose that the laymen whose names appear were as well posted on that subject as the ordinary newspaper-reader of intelligence.

Q. Don't you know that the statements that they make are not from their own knowledge?—A. I believe them to be conscientious men, and do not think it is probable that they would make any loose statements of facts or opinions.

Q. Please answer my question, and say whether or not you don't believe that the statements made by them are based on their own knowledge, or based on other sources?—A. I believe confidently that they base their statements only upon well-ascertained and reliable facts; whether gained by personal observation, or other means, I have no opportunity of ascertaining.

Q. When did the democratic rule cease and republican rule commence in this State?—A. Some time in the year 1868, I believe.

Q. How many rifle-clubs were in this county?—A. Don't know as to the number; have reason to believe there was more than one; several, say.

Q. Don't you know that the statute law of this State prohibits such organizations, except by charter?

(Objected to this question, because the law speaks for itself, and should be produced as the best evidence.)

A. I have not examined the law on the points referred to, and can, consequently, form no opinion.

Q. Who are the editors and proprietors of the Sumter Watchman?—A. Guignard Richardson and John J. Dargan, under the firm name of Richardson & Dargan. They have been the editors and proprietors since 20th September, 1876. Former editors and proprietors were Messrs. Gilbert and Flowers.

Q. For about how long a time had that paper been under that proprietorship?—A. Mr. A. A. Gilbert, the editor of the said firm of Gilbert and Flowers, I understand to have been connected with the Watchman for a number of years previous to the war.

Q. Did not this paper edited by Gilbert have the largest circulation of any paper in the county?—A. I am not posted; both the Southron and the Watchman claimed to have the largest circulation in the county.

Q. Was not the Watchman in full accord with the democratic or conservative feeling of this county up to Hampton's nomination?—A. It was not, since my residence in Sumter, now three years. I have heard from time to time, during the whole of that time, a great many democrats expressing displeasure with the course the Watchman had taken; but the dissatisfaction was not near so wide-spread and intense as it became just previous and immediately after the nomination of General Hampton for governor. The Watchman was as unpopular, I think, before the nomination of General Hampton with the democrats as it was after.

Q. Was not the editor of this paper a democrat? Or, if he was not, what was he?—A. I dislike exceedingly to answer this question, but am forced to do so under the obligations of my oath. He was considered, if I understand the sentiments of the people, as a political hypocrite, a man who could be relied upon by neither party.

Q. What was it in his paper that could have caused such an impression as this? Did he not advocate conciliation and fusion, and did he not advocate, as most of the democrats of this section of the State, an acquiescence in the nomination of Chamberlain?

(Contestant objects to such questions as several of the preceding questions, on the ground that they are utterly irrelevant to the question involved in the issue on trial.)

A. I cannot state, without time for a thorough examination of his paper, what particular things published therein created that belief among the people. I know that Mr. Gilbert did advocate what is known as a fusion ticket, headed by D. H. Chamberlain; and I know that a number of other gentlemen, of influence and standing, agreed with the Watchman so far; and yet I know that they had but little or no sympathy with its general course in political matters; and I know that those gentlemen lost nothing with the democrats by the advocacy of those views, while Mr. Gilbert's unpopularity with the democratic party was wide-spread and intense. This unpopularity of the editor of the Watchman, Mr. Gilbert, was increased tenfold by his failure to come out boldly against Franklin J. Moses, jr., long previous to the nomination of D. H. Chamberlain for governor.

Q. Did Mr. Gilbert, in his paper of the 6th of September, tell the truth or not, when he said that he could hear, near his sanctum at night, not unfrequently, the right-shoulder shifts, order arms, carry arms, &c.?—A. I presume that if Mr. Gilbert was in his editorial room at night he might have heard right-shoulder shift, &c., in the hall near by, as I understand the Sumter rifle-club frequently drilled therein.

Q. Was it not the publication of this piece that caused many persons to refuse to take his paper longer?—A. I have understood that a great many democrats withdrew their patronage from Mr. Gilbert's paper after the publication of the piece referred to; their reason for doing so, as I understand, was that Mr. Gilbert was making capital for the republican party, who at that time had a great deal to say about our rifle-clubs; denouncing the said clubs as organized for unlawful purposes, to aid another secession move, &c.; and the democrats thought that Mr. Gilbert was lending his aid, by the publication of this piece, to those who were thus striving to make political capital for themselves by misrepresenting the democrats; and hence this strong feeling against Mr. Gilbert for the publication of the article referred to.

Q. Does he denounce the rifle-clubs as being gotten up in the interest of secession, in his piece?—A. The people understood an intimation to that effect; but the piece speaks for itself.

Q. You have furnished two extracts from the Charleston paper on page 6 of your testimony. What is the reason you don't furnish the whole of these pieces?—A. The contestant told me it was needless to offer the whole article, and it was only offered in his interest. I herewith submit the balance of the article of the 19th October:

"When the colored people see that the citizens who are arrested are quickly bailed, and that the troops hurt nobody and have no love for the negro, the colored voter will soon become as open to conviction as he was before the proclamations were published. It is, however, of supreme importance that there shall be no let-down, no halting in the canvass, or we shall lose white votes as well as black.

"We do not see, as we said before, that there need be any change in the plan of campaign. The democrats can still attend every political meeting, and they can go there in bodies or singly. When the republicans refuse to divide time, as they will always do, the democrats will still have the opportunity to interrogate the speakers. And if that be not allowed, they can protest, by their presence, against radicalism and its dark practices, and they can express their approval or disapproval of the speakers in the usual way. To put the case concisely, we contend that the presence of the troops ought not to be injurious to the democracy, because the troops will simply prevent fraud and violence, to which the democrats have not resorted and would not resort, and will, besides, enforce that obedience to law which the democrats have never refused. And we believe that it will be worth three or four thousand votes to the democrats if a squad of United States soldiers be posted at every polling-precinct in Charleston County, for these soldiers will make it safe for colored men to vote for Hampton, and will prevent the repeating on which the radicals rely for their majority. There is, then, no reason for discouragement. The chances are still in our favor, and the proclamations, instead of disheartening the people, should, and will, encourage them to work harder than ever before.

"The country will not remain in ignorance of the truth. It cannot be concealed from the country that, while thousands of ignorant and reckless negroes are armed by the State, and so encouraged to deeds of violence, the white people, because they are democrats, are denounced as law-breakers when they carry arms in self-defense, and as murderers when they attempt to restrain armed bands of negroes from shedding more blood and committing more depredations. It will be seen that license is allowed to the republican, while liberty is denied to the democrat. It will be seen that, in the twinkling of an eye, sixty thousand democrats of South Carolina are changed, in the estimation of the governor, from peaceful, inoffensive, law-abiding citizens into hordes of rioters and ruffians. It will be seen that no words were too soft for the democrats as long as they gave a *quasi* support to Chamberlain, and that no words are too hard for them, now that they have chosen a leader of their own. It will be seen that the sole offense of the democrats is their endeavor to obtain an honest government, through the democratic party, and that the whole force of the national and State government is exerted to shield political rogues and scourge honest citizens. And so shall South Carolina be justified before the nation, and the opposition to the political party which oppresses us be correspondingly intensified and strengthened."

Also the balance of the article of October 20, 1876:

"Up to this moment the proclamations, as political engines, are an utter failure, and the maintenance of their present attitude by the democracy will save South Carolina and elect Tilden. We say this advisedly. We know that the dignified forbearance and persistent prudence of the democracy have already produced a profound effect in the North. The people there are coming fast to the conclusion that South Carolina has been maligned and outraged. A perseverance in this line of conduct, which is natural to us, will cause the proclamations to recoil upon those who issued them, and give to the cause of constitutional government a triumphant victory in November.

"But while it is more than ever important to avoid any word or act that can be tortured into an evidence of the existence of a lawless and rebellious spirit in South Carolina, the democracy should not allow themselves to be distracted or diverted from that vigorous political working which will enable them to give a good account of themselves on election-day. Where joint discussions cannot be had, the democracy can have meetings of their own, as was handsomely done in Abbeville. There is no need to change, in any material respect, the character of the canvass. Especially should every democrat apply himself to persuading and influencing the colored voters who know and trust him. This should be done in the low country above all. Sufficient time has elapsed, since the republican conspiracy was exposed to view, to enable us to say that no act of the republicans, in Washington or Columbia, has injured the democracy or weakened them, in the middle and upper counties. Hampton will bring to the seaboard a majority of many thousand votes, and upon the vote of Georgetown, Charleston, Colleton, and Beaufort the issue of the great struggle depends. These four counties will decide the destiny of South Carolina. The knowledge of this fact must prompt every democrat to redouble his exertions, for it would be an eternal shame and reproach to us if Hampton were defeated through any want of ardor and labor in the low country. Every vote is of consequence. In a county, if such there is, where they have no hope of electing the local ticket, the democrats must still spare no pains to poll every possible vote. A vote for Hampton in Beaufort is as valuable and has as much weight as a vote cast in Anderson or Pickens. The time is short; the difficulties are incalculable. In deserving success we shall command it.

"Never was the prospect, here and in the North, as bright as it is to-day. The foe have failed in their attack. They are worse off than if they had never devised the Aiken dragonnades and the Cainhoy slaughter. That horrible affair was contrived for the purpose of insuring a sufficient excuse for the issuing of the executive proclamation, to be discussed and decided the next day. It has broken down with the rest, for the proclamation hurts nobody and intimidates nobody. The curses of our adversaries are going home to roost. Governor Chamberlain staked his political fortunes upon one throw, and he has lost. And the Mortons and Chandlers, who were persuaded by the Chamberlains and Pattersons to make South Carolina the exponent of the fancied danger that threatened the nation if the democracy should win, have only given the people of the State an opportunity to demonstrate, before the civilized world, their constancy, fearlessness, and fidelity to political and moral truth."

Q. Haven't you seen published in the News and Courier of Charleston, during the campaign, demands by the democrats for troops?—A. I go on my memory entirely, having no paper before me. I remember to

have seen published in the Charleston News and Courier that a delegation of white citizens went before Governor Chamberlain and asked him, inasmuch as he had by his proclamation disbanded the "rifle-clubs," and inasmuch as the republican officers of the peace in the city were inefficient, unable, or unwilling to protect the citizens from outrages, lawlessness, &c., that United States soldiers be sent to the city to do the work which the peace officers ordinarily should do. This is my recollection of the mission sent from Charleston for troops.

Q. Who was the editor of the other Sumter paper during the campaign?—A. Mr. C. H. Moise, a good part of the time; I think most of it.

Q. How does it happen, Mr. Dargan, that in giving extracts from the county papers to show the spirit of the campaign in this county you have given nothing from The Southron? Why is this?—A. Simply because I had none of the papers in my reach. I am one of the editors and proprietors of the Watchman, the other democratic paper published here, and I suppose because I was familiar with the editorial department of that paper, and the papers were my property, the contestant drew on me only for copies of the Watchman. I know of no reason why the editorials of The Southron should not be introduced in the interest of the contestant.

Q. Don't you know that C. H. Moise advocated the use of force in carrying the election?—A. He did as a private individual, but never as an editor as I remember of.

Q. Don't you know that the News and Courier, the paper that you extracted so largely from, previous to Hampton's nomination, characterized the "straight out" policy, as it was called, as the shot-gun policy?—

A. I know that the News and Courier did characterize a move by certain men in the up country some time previous to Hampton's nomination, as "the shot-gun policy," and did oppose in its inception what is known as the "straight-out" policy.

Q. Didn't this move in the up-country that you have referred to result and terminate in the nomination of Hampton?—A. Under many modifications, it did.

Q. What modifications do you refer to?—A. I refer principally to the leadership in this move being taken from extremists and given to more conservative men.

Q. Were not General Butler and Colonel Haskell in the move at the time it was so characterized?—A. General Butler and Colonel Haskell were connected with this move from its beginning to its close prominently, but had it not been for such conservative men as Generals Hampton and Conner giving tone and character to the move, the more conservative elements would not have acted in it.

Q. Did not this paper at that time, or about that time, say that no straight-out movement in this State could succeed without violence, intimidation, and bloodshed?—A. I cannot recollect the words used by the News and Courier, but I think it did hold forth very much this idea in its zealous opposition to the straight-out movement.

Q. Extracts through you have been put in evidence in this case to show the spirit and character of the campaign in the State and county. Please tell me what you know of the speech or speeches of Colonel Ferguson, of Mississippi, made in Columbia or elsewhere just after the nomination of Hampton.—A. I really don't recollect it.

Q. Can't you remember that he said in Columbia, or was published as saying, that he came here to tell them how to carry the State on the Mississippi plan, and that if it was necessary they must kill off the white republicans first, then the mulattoes, and finally a few of the negroes?—

A. Never saw such a thing in print that I remember of, nor heard of it till now, that I remember.

Q. Do you say that there was no intimidation in this county of republicans by democrats or democratic organizations, to prevent them from voting the republican ticket?—A. I did not say there was no intimidation. I think there was some intimidation by the whites of the blacks, but not so great as that of the blacks of the blacks.

Q. You refer to an extract of a speech made by Senator Robertson while in the United States Senate, in relation to intimidation. Have you not reason to know that he was not in this section of the State during the canvass?—A. I am satisfied that Senator Robertson was not long, if at all, in this congressional district during the canvass.

Q. You have mentioned that you know of one instance of marked intimidation. Please mention who was intimidated.—A. The instance to which I referred specially occurred at Mayesville, in Sumter County, when a colored man, by name Bill Brearley, said to me, in the presence of not less than five, possibly ten, colored voters, that the republicans of this State were going to carry the election if they had to do it through blood, and that he, Brearley, went in for taking the negroes out of their houses, if they voted the democratic ticket, and burning them alive.

Q. I asked you to mention who was intimidated.—A. I consider such language and threats as referred to above calculated to intimidate every colored voter who heard it, more or less.

Q. Did not the man who used this language turn democrat and vote the democratic ticket?—A. This same man told me afterward that he at heart was a democrat, and only told me what he did at Mayesville to keep them niggers who heard him from thinking he was a democrat, because, he said, if they ever found it out on him they would kill him, or burn him out sure, and begged me, for God sake, not to tell anybody he was going to vote the democratic ticket.

Q. Do you give what he said to you under these circumstances, and as he explained it, as an instance of marked intimidation?—A. I do.

Q. You have filed here, taken from the Charleston News, two extracts containing what purports and is headed to be intimidation in South Carolina. In hunting up extracts on this head, did you look in republican newspapers for instances as well as in the News and Courier, or not?—A. I did not look into any paper, but the extracts referred to were handed to me by the contestant, and, upon examination, I recognized them as extracts from the News and Courier, having carefully read the same when first published by that paper.

Q. Do you know whether they are true or not?—A. I do not.

Q. Don't you know that not more than four or five of the purported instances contained in all four of these extracts are said to be within this congressional district?—A. I don't know.

Q. Please examine and tell me.—A. Upon examination, I find five instances alleged to have occurred in this congressional district, and some of these instances mentioned, it is not stated where they occurred.

Q. What was the gain of the democratic vote in the last election in this county?—A. The republican majority in this county was reduced from about 2,400 to about 1,400.

Q. In your first issue of your paper after the election, did you not state that there was a democratic gain in this county of 800 votes, and publish in connection with it a statement of the vote?—A. Yes; I did, I see, by reference to my paper.

Q. Please state what facts you have for saying the United States troops affected the election in this county.—A. I saw it have its demor-

alizing effect upon the democratic colored men; I saw it in the manner in which the colored republican voters referred to the presence of the troops; and I heard republican speakers frequently allude to the coming of the troops in such a way as to make the impression upon their hearers that the troops were coming, and would be used, in the interest of the republican party.

Q. Please state who said that the troops would be used in the interest of the republican party.—A. I never heard any republican speaker use these exact words, but I have heard Samuel Lee, William E. Johnston, T. McCauts Stewart, and others, so speak of the introduction of the troops as to leave the impression above described upon the minds of their hearers. In justice to T. McCauts Stewart I must state, that I heard him say more than once, privately and publicly, that he did not want the troops, or victory if it had to be won in that way, and yet he seemed always to regard the troops as brought here in interest of the republican party.

Q. Please state what these speakers said about the troops.—A. I do not, as a general rule, recollect the words of the speakers, or even the substance of the words, but merely the impression left by them. But I recollect on one occasion in answer to a question, Mr. Samuel Lee said that of course the troops enabled the republicans to carry this State, (he thought it had been carried,) because they prevented the white people from intimidating the negroes, but he supposed the troops had some influence in bringing back a few votes to the republican ranks. These are not Mr. Lee's exact words possibly, but are substantially what he said.

Q. I asked you to give me anything that was said by these speakers in their speeches that you referred to, made during the campaign, and I am under the impression that the words you have given as coming from Samuel Lee were spoken after the campaign, and in a conversation on the street. Am I correct?—A. Yes; your impression is correct. I recollect no words except those I have given of Mr. Lee.

Q. How does this explain what was said during the campaign by speakers?—A. I have given the only instance, at your urgent request, that I know of, where the words of the speakers were remembered; this occurred after the campaign had closed.

Q. Please give me the facts within your knowledge from which you say, or have the impression, that the result would have been different if troops had not been introduced.—A. I have answered that question substantially already.

Q. The answer that you refer to speaks of the demeanor of the colored people, and the speeches of republican leaders in regard to troops, and your impressions therefrom; is this what you refer to?—A. It is.

Redirect:

Q. In the cross-examination you stated that some of the extracts from the News and Courier, which were put in evidence, were handed you by the contestant. Before offering them in evidence, did you not fully satisfy yourself that they were really extracts from the paper they purported to be taken from?—A. I did.

Q. As to the rest of the extracts from the News and Courier and the Sumter Watchman, did you not cut them yourself from the paper they purported to come from?—A. I did.

Q. It seems that in the extract giving a statement of the proceedings had at Darlington, and also of the proceedings had at Kingstree, a portion of the proceedings referred to at the end of the account of said

proceedings were left out; did not each of the portions left out narrate the circumstances of interruptions of democratic meetings by republicans?—A. The one at Darlington was not an interruption by republicans, but was only an accidental disturbance of a democratic meeting by two drunken men fighting; the other, at Kingstree, seems to have been a narration of an interruption of the character you have described.

(The last portion of this answer is objected to, where it states as a matter of opinion that the Kingstree meeting was interrupted by republicans, whereas the portion of the paragraph referred to shows that a half dozen democratic speakers were detailed from their meeting to go up town and divide time with the republicans at their meeting.)

Q. Was it not a fact that the reason why Tyler Dixon was withdrawn from the democratic county ticket, was because the nomination was generally objected to, upon the ground that he was an habitual drunkard?—

A. It was because he was an habitual drunkard and idler, as I learned from the democrats.

Q. What was the real cause for the organization of the rifle-clubs?

(Objected to as not being in reply, and calling for matter of opinion.)

A. The primary and principal cause, as I understand it, for the organization of the "rifle-clubs," was to afford protection to all colored persons who desired to vote the democratic ticket.

Q. You have been asked if you have not seen "published in the News and Courier of Charleston, during the campaign, demands by the democrats for troops." Is it not a fact, that as a general rule the troops were not sent where the republicans were largely in the majority, but only to those points where the democrats were in the majority?

(Objected to, as not being in reply.)

A. I heard, and saw in the newspapers, great complaints that no troops were sent to points where the republican majorities were the largest, even where riots and disturbances were frequent.

(Objected to, as being hearsay.)

Q. You have been asked if the News and Courier did not characterize the straight-out policy as the "shot-gun policy," and that "no straight-out nomination could succeed without violence, intimidation and bloodshed." Was the News and Courier, when it used such language, advocating any such policies, and was any such policy in fact pursued in this State?

(Objected to, as calling for matter of opinion, and not in reply.)

A. The News and Courier opposed the straight-out move, as I understand it, because of the fear that it would be controlled by men of the "shot-gun policy," and only indorsed the straight-out move when it was ascertained that it was not to be led by such men, or to become such a policy. Such a policy was not adopted by the democrats of this State, but the straight-out move was not fully indorsed and warmly supported until it was clearly shown that it was to be entirely opposed to everything like what is known as the "shot-gun policy."

J. J. DARGAN.

Sworn to before me this 18th day of April, 1877.

[SEAL.]

D. J. AULD,
Notary Public.

Col. J. D. BLANDING sworn:

Question. A. G. Frierson, a witness for the contestee, swore in his examination that you told or sent word to Moses Frierson, Thomas Frierson, William Frierson, Thomas Pringle, and perhaps others, that they must give up their lands if they voted the republican ticket. Did

you tell or send word to them or either of them as stated, or anything like it?—Answer. I did neither tell nor send word to them or either of them, or to any other person, anything that could be construed into what he has sworn to. The testimony of said Frierson on this point is false from beginning to end.

Q. Elias Joe, a witness for the contestee, swore, in his testimony, that in a speech made by you, at or near Swimming Pens, you announced or said “if the colored people did not vote the democratic ticket you would bullet them, or they would be bulletted,” or words to that effect. Is this true?—A. It is absolutely false from beginning to end. I suppose the said Elias Joe is not a man of intelligence. From the beginning to the end of the canvass, in my official capacity as chairman of the democratic executive committee, in public speeches and private conversations, I denounced the use of force in any shape against the colored people of our county to influence them to vote the democratic ticket, and this course was not only my own policy and sentiment but was in accordance with instructions to me from the State democratic executive committee.

Q. Did there exist in this county any well-grounded cause in the minds of republicans for apprehensions of trouble at the polls or during the campaign?—A. There was none.

Q. Are there not a number of white republicans in Sumter County?—A. There are between twenty and twenty-five.

Q. In your judgment, what would have been the result of the canvass in this county if United States troops had not been introduced into the State and into the county?

(Objected to, as calling for a matter of opinion.)

A. I cannot express a well-grounded opinion as to what would have been the result if the troops had been allowed to remain in barracks at Columbia without any threats of their being moved about from place to place. But upon the bringing in of the squad of troops into this town of Sumter a few days before the election, following the proclamations of the President of the United States and of Governor Chamberlain, a great and decided change was apparent as to the determination of the colored voters of the county. About one week preceding the election, in a private caucus of all of the chairmen of the county democratic executive committees of the State, assembled in Columbia at the call of the State democratic executive committee, upon being called upon to give my opinion of what would be the result of the election in Sumter County, after being guarded against giving any excess in favor of the democratic party, I gave the opinion, which I then thought and now think was true, that the democratic party would carry Sumter County by a majority of from one to three hundred votes. On Monday succeeding that meeting and the day preceding the election, I telegraphed to Columbia that fifteen troops had knocked us out of five hundred votes. On Tuesday afternoon, day of the election, about five or six o'clock I telegraphed to democratic headquarters that the troops had knocked us out of five hundred more, making one thousand votes. A few days afterward I telegraphed that the fifteen United States troops had knocked us out of fifteen hundred votes. That was my opinion then, and I am still of this opinion.

(Objected to, as being matter of opinion.)

Q. T. B. Johnston, Henry Wilson, and J. C. Wilson have testified, in their testimony for Joseph H. Rainey, that the contestant, J. S. Richardson, advocated during the campaign a policy looking to or advocating the use of force to make the colored people vote the democratic ticket.

Do you know the said J. S. Richardson and the sentiments and policy which he advocated during the campaign? If so, please state.—A. I know John S. Richardson intimately for thirty years. I heard him speak in the late canvass at least fifteen times when he addressed his remarks principally to colored men who were present. In not one of those speeches did he ever express any sentiments which could have been construed into the use of or the threat of using force to influence electors to vote the democratic ticket. The executive committee of the county frequently called J. S. Richardson to confer with them privately as to the policy to be pursued throughout the canvass. In the expression of his opinion then given, freely and fully on each of the occasions, he was always opposed to force, and advocated the peace policy.

Cross-examined:

Q. Did not the democrats of this county have a census of the voters taken before the election?—A. They undertook to take a full census, but we got a census from eleven of the seventeen precincts, partial returns from three of the other precincts, and none from the remainder.

Q. How did you estimate in the caucus at Columbia, a democratic majority of from one to three hundred?—A. From the returns made by the precinct clubs, compared with the census which we had above referred to, the partial returns from the three precincts, and in those precincts from which we had no census returns, by our knowledge acquired of the number of white votes upon the club rolls, and information which we elicited from leading republicans in those precincts as to the actual colored vote in those precincts.

Q. Can you say that the estimate of the seven precincts, where only a partial census was taken, was correct or not?—A. In my opinion it was correct within two hundred votes, and therefore I left in my report to the State democratic executive committee a margin of one to three hundred votes.

Q. How many white votes did you place in your estimate for this county?—A. I do not know.

Q. How many votes did the estimate that you carried to Columbia show for the democratic ticket?—A. About thirty-two hundred.

Q. How many of these were estimated as colored voters?—A. Between thirteen and fourteen hundred.

Q. Did you have in this county thirteen or fourteen hundred colored men in the democratic club?—A. We did not. I cannot say how many we had because they varied often, continuing to increase up to the time the troops came.

Q. How many colored votes did the democrats get in this county?—A. About four hundred, from memory.

Q. Why did the democratic committee in Columbia not wish an over-estimate of the vote?—A. It was that they might report to the national democratic executive committee at Washington; said committee having called for a report upon which they could rely as the democratic vote of South Carolina.

Q. Is it not a fact within your knowledge, that more colored men voted the democratic ticket at this poll of Sumter, where troops were, than at any other poll in the county; and is it not a further fact that more than half the colored democratic votes were polled at this precinct?—A. I believe that such is true.

Q. Did you hear the speech of J. S. Richardson made at Mayseville?—A. I did not.

Q. Were there not members of your democratic executive committee

of this county who advocated force in carrying the election?—A. There were twenty-one members of the committee at the opening of the campaign; four or five did advocate the use of force; as soon as Governor Hampton's policy was announced every member of the committee except one opposed the use of force, and that one yielded his opinion two or three weeks before the election.

Q. Who was this one?—A. Mr. Charles H. Moise.

Q. Who were the others, three or four?—A. I decline to answer this question, because of a pledge of honor made in the executive committee that all of our communications were to be private, especially as to matters of opinion.

Q. Did not Mr. C. H. Moise advocate the use of force openly?—A. I have heard that he did up to some five weeks preceding the election.

Q. Was he not a very prominent man in the canvass of this county?—A. He was active and conspicuous, but not a man of influence, as the colored men were opposed to him, and the white men did not agree with him.

Q. Do you say that you have any facts within your knowledge upon which you could base a colored democratic vote in this county of fourteen hundred votes?—A. I had facts within my knowledge upon which I could have and did base a colored vote of thirteen hundred. Those facts were pledges direct to myself by colored men, pledges to persons, white democrats, who reported to me personal pledges of other colored men, giving names and precincts of the voters in most cases.

Q. About how many to you and about how many to others?—A. It is impossible for me to say now.

Q. Did more than fifty to you?—A. Yes; from memory I would say more than fifty.

Q. Did more than two hundred through others?—A. Yes; more than two hundred were reported to me as pledged to vote the democratic ticket.

Q. I understand you as giving your estimate above as based first upon colored men pledged to yourself personally, and pledges reported to you from different portions of the county made to other individuals?—A. Yes; pledges to myself individually, pledges to members of the executive committee, officially reported to me, and pledges made to members of precinct clubs, unofficially reported to me.

Redirect:

Q. You were asked the question in the cross-examination, "How many colored votes did the democrats get in this county?" and you answered, "About four hundred, from memory." Were there not many more colored men who united themselves with the democratic precinct clubs of this county?—A. More than four hundred colored men were officially reported to me as having joined the precinct clubs. I think about seven hundred.

Q. Did as many colored voters vote the democratic ticket at Sumter at the last election as voted with the whites in the preceding general election?—A. I cannot say as to Sumter precinct, but in the county they did not.

(Objected to, as not being in reply to the cross-examination.)

Q. Was the colored democratic vote at Sumter precinct due to the presence of the troops or to other causes?—A. It was attributable altogether to other causes, and the principal cause, in my judgment, was that at the Sumter precinct they were freed from the fear of bodily harm from leading republicans in the county, and of this I know instances.

Q. Had C. H. Moise any following or support in this county in his policy of using force?—A. No man of influence that I ever heard of in Sumter County agreed with him in these views.

JAMES D. BLANDING.

Sworn to before me this 18th day of April, 1877.

[SEAL.]

D. J. AULD,
Notary Public.

Rev. E. A. EDWARDS sworn :

Question. What is your age, and where did you reside during the last campaign?—Answer. I am forty-six years of age, and resided, during the last campaign, in Sumter Township.

Q. It has been testified to, on behalf of the contestee, by several witnesses introduced by him, that the United States troops had no effect in influencing the colored voters to vote the republican ticket. In your judgment, if the said troops had not been first threatened to be introduced, according to the proclamations of Governor Chamberlain and President Grant, and afterward actually introduced into the State and into this county, what would have been the result of the canvass so far as Sumter County is concerned?

(Objected to as calling for matter of opinion.)

A. I did believe, up to the introduction of the troops, that the democratic ticket would have been successful, and that J. S. Richardson would have received the majority of votes in this county.

Q. Do you or do you not now believe that that would have been the result if the troops had not been introduced?—A. I do.

(Objected to as matter of opinion.)

Q. State the facts upon which you base this judgment or opinion.—A. Prior to the threatened introduction of the troops, I found the colored people, as far as my intercourse with them went—and my opportunities were very extended—were not only not decided in their opposition to the democratic candidates, but left the impression on my mind that they were willing to give them a trial. They generally told me this. But subsequent to the introduction of the troops, as a general thing they announced their determination to stand up to their party—the republican party.

Q. Was there not, in the early stages of the campaign, great cordiality and good feeling in this county between the whites and colored people?

(Objected to as matter of opinion.)

A. As a fact, I know it, from all I heard and saw.

Q. Did this state of cordiality and good feeling exist throughout the entire campaign, or was there a visible change after the introduction of the troops?

(Objected to as matter of opinion.)

A. Yes; I could see a decided change after the introduction of troops. They were not as approachable on the subject of politics, but were more reserved.

Q. Were there any instances of intimidation, or facts showing intimidation, by colored men and women over their own color, coming under your own knowledge? If so, state them.—A. Yes, there were. I heard one man declare publicly that all his brothers, some six or eight, his father, and about three hundred cousins had turned their backs upon him, had threatened his life, had caused his wife to leave him, because he

intended to vote the democratic ticket; his name was Elmer Dercourt. And I have heard women declaring they would have nothing to do with, and that colored people ought to have nothing to do with, colored men who would vote for a democrat.

(Objected to as matter of hearsay.)

Q. It has been testified to, by witnesses for the contestee, that there existed in this county good cause for apprehension of trouble at the polls, or during the campaign, in the minds of republicans. Was there any cause for such apprehension of trouble?—A. No, sir; there was none to my knowledge or in my opinion. If there had been any I think I would have known it, as I was admitted into all classes, and knew all that was going on.

Cross-examined:

Q. Have you ever read the proclamations of the governor and the President?—A. I have.

Q. Do they say anything about troops, or threaten the introduction of troops?—A. I don't remember, exactly, the wording of these proclamations.

Q. If you don't remember the wording of these proclamations, how have you managed to swear that they threatened the introduction of troops?

(Objected to, upon the ground that the question is based upon a supposition that the witness swore that the said proclamations threaten the introduction of troops; whereas such intimation was contained in the question asked, and not in the answer of the witness.)

A. I did not swear it.

Q. Were you not asked, if the said troops had not been first threatened to be introduced, according to the proclamations of Governor Chamberlain and President Grant, would not the colored vote have been different, and if you did not answer it affirmatively?—A. I did.

Q. How many troops did you see in this county?—A. I do not recollect seeing any; but I understood they were here.

Q. Have you not sworn that they were here?—A. I have not sworn that they were here, of my own knowledge, but that there was a change in the colored voters after it was understood that they were here.

Q. Did you take part in the canvass in this county?—A. I went about a good deal in a quiet, private way, and especially among the colored people.

Q. How many votes did the democrats get in this county, according to the returns?—A. I have seen the returns, no doubt, but it is impossible for me to approximate it at this time.

Q. How many did the republicans get?—A. I have seen the returns, no doubt, but it is impossible for me to approximate it at this time.

Q. How many colored men voted the democratic ticket in this county?—A. I cannot tell.

Q. About how many?—A. I cannot tell.

Q. Do you swear you saw the returns?—A. I saw the published results in the papers.

Q. If you don't know what the democratic vote was, nor the republican vote, nor the colored democratic vote, how can you swear or have an intelligent opinion that there was any falling off of the colored vote after the troops came?—A. I could not say there was a falling off of the colored vote when there was no vote of the colored people at that time. I swore that I perceived the colored people, as far as my inter-

course with them went, were not only not decided in their opposition to the democratic candidates, but left the impression on my mind that they were willing to give them a trial; this before the introduction of the troops.

Q. Have you meant, in your examination-in-chief, to give it as your opinion, that there was any falling off of colored votes on the day of election, from the democratic ticket, on account of the troops?—A. I meant that it was my belief, from observation and intercourse, that but for the introduction into the State of the United States troops, many colored men would have voted the democratic ticket who subsequently declined to vote it.

Q. How many colored men were there, that you know of, who would have voted the ticket, and afterwards declined on this ground?—A. I could not specify.

Q. About how many?—A. I could not say that either.

Q. Can you swear there was as many as ten?—A. I can swear there were that many who produced the impression referred to above on my mind.

Q. Were there as many as twenty?—A. I would suppose that it would amount to forty or fifty.

Q. Do you swear that forty or fifty colored men informed you that they would vote the democratic ticket?—A. I did not swear it.

Q. Supposing the forty or fifty colored men you have referred to had voted the democratic ticket, would that have elected the ticket?—A. No.

Redirect:

Q. Have you ever read the order of J. D. Cameron, Secretary of War, dated on the 17th day of October, 1876, being of the same date with the proclamation of President Grant, by which he directed General W. T. Sherman to send troops to General Ruger, commanding at Columbia, S. C.?—A. I have.

Q. Did the said order refer to the proclamation of President Grant, and direct troops to be sent to South Carolina?—A. It did.

Q. Was not the change in the colored voters of this county, after the introduction of the troops, so marked and decided and general as to indicate that there was a very great change in their acceptance of, or opposition to, the democratic candidates?

(Objected to as not being in reply.)

A. It struck me so.

Q. Was not that change in the colored voters so general as that, if it had not occurred many hundred voters would have voted the democratic ticket in this county who otherwise did not vote it?

(Objected to as not being in reply to cross-examination.)

A. I do believe it.

E. A. EDWARDS.

Sworn to before me this 18th day of Apr 1, 1877.

[Seal of D. J. Auld, notary public, South Carolina.]

Dr. C. R. F. BAKER sworn.

Question. What is your age, and in what county and township did you reside during the last election campaign?—A. I am sixty-six years of age. I resided in Sumter County and Swimming Pens Township.

Q. Were you not the president of the Swimming Pens democratic club?—A. I was.

Q. Some of the witnesses for the contestee have sworn that there

was a rifle-club organized in Swimming Pens Township. Do you know anything of it?—A. There was a club formed, but not called a rifle-club; they had no arms, and not being a member of it I know very little about it. There was some talk about getting arms, but after the proclamation of President Grant decided not to do so; so far as I know they never met after their organization.

Q. In your judgment, if the United States troops had not been introduced into the State and into this county, what would have been the result of the election? Would it have gone for the democrats or republicans, in your judgment?

(Objected to as a matter of opinion.)

A. I could not say, positively, as to the ultimate result, but certainly the votes of the democrats would have been greatly increased and the votes of the republicans greatly diminished, if it had not been for the proclamations of President Grant and Governor Chamberlain and the introduction of the United States troops.

Q. Upon what do you base this judgment?—A. In the early part of the campaign, the good feeling that appeared to exist between the colored people and the whites (and I say colored people because most of them voted the republican ticket, and whites because most of them voted the democratic ticket) was so great, and the general expression of the colored people was that they would vote with the whites for good government this time, (that is for the democratic ticket,) as to lead me to the conclusion that the democratic ticket would be elected. A good many of the colored men joined our democratic clubs, and many of them who said they would not vote the democratic ticket, said they would stay at home and would not vote at all. After the proclamations and the introduction of United States troops, they ceased joining the clubs, and many of those who had joined ceased to attend the meetings. Those who declared their purpose to vote with us because indifferent and would no longer converse with us.

(Objected to on the grounds of its being either hearsay or opinion.)

Q. There was then a manifest and evident change in the sentiments, intercourse, and conduct of the colored people in this county upon and after the introduction of the United States troops?—A. There was.

(Objected to as a matter of opinion.)

Cross-examined :

Q. Do you say that the club organized at Swimming Pens, of which William S. Richardson was the officer, was not called or known in that community as a rifle-club?—A. I believe some people did call it a rifle-club, but it was organized for the purpose of quelling any disturbance that might occur in that township.

Q. Did not this club go in procession to a political meeting at Mayesville?—A. I saw them riding about Mayesville, William S. Richardson commanding them.

Q. Is Mayesville in Swimming Pens Township?—A. No, it is not.

Q. Was not this club a different organization from the democratic club of that precinct of which you were president?—A. It was.

Q. Was not this rifle-club intended for political purposes, as well as the purposes you have indicated?—A. I think not; my club was the political club; this club commanded by Rev. William S. Richardson was organized for the purpose of quelling any disturbance in the neighborhood, and of protecting any colored men who might be assaulted by those of their own color for voting the democratic ticket.

Q. If this club was intended merely to quell disturbances and keep

the peace in that township, how does it happen that they were marching about at a public meeting, under command of their officer, outside of their township; what disturbance were they anticipating at Mayesville?—A. They were not marching about at Mayesville under their officer, but they went there on their horses, being members of the democratic club, and sat on their horses before the Masonic lodge, where a meeting of the democratic club had been ordered that day, for the purpose of hearing Mr. John S. Richardson make a speech. They anticipated no disturbance on that occasion; to avoid a disturbance they were directed not to go down to the depot, where the republicans were holding a public meeting, nor in that direction; and Mr. John S. Richardson declined to make a speech, on account of the republican meeting, because it might be construed as interfering with them.

Q. I have asked you why the rifle-club went there, and in your answer it is put down because they were members of the political democratic club. Is it not a fact that the rifle-club went there under command of their own officers and as a club; and is it not a fact that their organization there that day was separate from the democratic clubs?—A. Some of them went there under their officers, and others did not; they formed on their horses before the door, and remained there until I called them inside to attend a democratic meeting.

Q. Please tell me why it was that you called a meeting at Mayesville on this particular day. Was it not on account of hearing that the republicans were to have a meeting there that day?—A. We had heard that the leaders of the republican party had agreed to have a joint discussion that day, and that Mr. John S. Richardson was to speak. When we reached there, we found they would not consent to this joint discussion, and Mr. John S. Richardson declined to speak to us separately, and we dispersed and went home.

Q. Do you say that the republicans called a meeting there that day for joint discussion?—A. I do not say so; I say that we heard that they were to have a meeting there and would permit a joint discussion.

Q. Did you not demand a joint discussion after getting there? (I mean the democrats.) A. We did not.

Q. I understood you, when you first spoke of going to Mayesville, that these clubs went there to a democratic meeting. Now I understand you that they went there expecting to get Col. J. S. Richardson to speak at a republican meeting. Which is correct?—A. Having heard that this joint discussion was to take place, I ordered the democratic club to meet at Mayesville at the Masonic Hall. The club met in accordance with my order, and finding that this joint discussion was not to take place, we had our meeting and transacted our regular business, and we did not attend any republican meeting that day.

Q. Did not Mr. J. S. Richardson decline to speak because the republicans would not allow joint discussion?—A. He did not speak at the republican meeting because they declined to allow him, as he announced to us; and he would not speak to us because he thought it would appear to interfere with their meeting.

Q. Do you know that this is the reason he would not speak to your meeting?—A. He told us so.

Q. Have you not seen William S. Richardson's club at other political meetings beside this one?—A. On one occasion I saw them here—the day of the republican mass-meeting.

Q. Do you know anything of the feeling existing among the colored people in this county previous to the election outside of your township?—A. Only from hearsay.

Q. What time in the campaign was it that you refer to when such a good state of feeling existed; was it before the nomination of Chamberlain or not?—A. Before, and continued up to some time in October, when it began to diminish.

Q. Can you say, on your oath, that the proclamations had anything to do with diminishing it?—A. This is only an opinion.

Q. The proclamations, as you well know, are directed entirely against rifle-clubs; now you say that it is your opinion that these rifle-clubs were not for political purposes; if this is so, how could proclamations against these organizations change the votes or feeling of colored people?—A. The suppression of the rifle-clubs could not have had any influence, if it were for the moral effect it had on the colored people, accompanied, as it was, almost immediately afterward, by an order for the introduction of troops into the county, and by the general belief, as I suppose, among the negroes that they were to be made to vote the republican ticket.

Q. What do you mean by saying the general expression of the colored people was that they would vote with the whites?—A. That expression is based on the fact that those to whom I spoke myself, a great number, seemed inclined to vote for the democratic ticket or would not vote at all; and I heard the same from other men whom I had the utmost confidence in.

Q. About how many colored men voted the democratic ticket in this county?—A. I cannot tell, but I know a great many who expressed themselves as intending to vote that way did not do it.

Q. How do you know they did not do it?—A. I heard some of them say afterwards that they did not do it; and some of them went to places to vote where they would not have gone had they intended to vote the democratic ticket.

Q. Do you pretend to say that those to whom you refer now did not vote according to their wishes?—A. I suppose they voted according to their wishes at that time, and I don't know that they all did that, because I believe that many of them voted that way because they were afraid to vote otherwise.

Q. How many do you now refer to as being afraid to vote otherwise? and give your reasons for saying so.—A. There were not many I refer to; two or three that I know of; they told me so, and I judge from what occurred under my own observation that it occurred in a great many other instances. One of these was afraid of his wife, and others were afraid of the more violent republicans on the place.

Q. What were they afraid of?—A. They were afraid of being cut off and abused by other colored persons on the place.

Q. What do you mean by being cut off and abused?—A. I don't know that I can put it any plainer than I have, as it is with all kinds of abuse that they abuse each other.

Q. Do you mean violence?—A. Well, I don't know that in these particular cases there would have been violence.

Q. Are you prepared to say from these facts that you have just stated, had they been different, that the result of the election would have been different?—A. I believe that if those proclamations had not been issued, and the troops had not been brought into the State, the leaders of the republican party would not have been induced to cause their subordinates to exert themselves in changing the votes of the colored voters.

Q. Don't you mean this: Had it not been for the proclamations and troops, the republican leaders would have been deterred and prevented from an active canvass?—A. No; I do not mean that.

Q. What do you mean?—A. I mean this, that it gave them an opportunity of telling a quantity of lies. The negroes were induced to believe that if the democrats got into power they would be put back into slavery; that they would have to have a ticket to allow them to sell anything they had to sell, and that the troops were sent on here, and the rifle-clubs all to be dispersed, in order that they might vote for the republican ticket and maintain their liberties.

Q. Would the rifle-clubs have prevented the telling of all these lies if they had not been disbanded by the proclamations?—A. Certainly not; but the introduction of the troops and disbanding the rifle-clubs gave them something to go upon, and made the lies more readily believed.

Q. Did you hear any speeches made in which it was said if the democrats got into power the colored people would be put back into slavery?—A. I heard no republican speeches at all. These lies were not told in public. I heard colored people say that this had been told to them. I heard a great many of them say so.

Q. Did these that you heard say so believe it?—A. Some of them certainly did.

Q. How many of them?—A. I cannot tell.

Q. About how many?—A. I should say about fifteen or twenty I have heard say so.

Q. You have sworn negroes were induced to believe this. Do you know this, or is it from hearsay?—A. I heard it from them.

Redirect:

Q. Was not the cardinal idea for the formation of the clubs called rifle-clubs to meet a demand that existed to give or afford protection to such colored voters as desired to vote the democratic ticket from the abuses and intimidation brought to bear upon them by their own color?

(Objected to as leading.)

A. It was.

Q. Was the club of which you have spoken in your cross-examination, which was presided over by Rev. William S. Richardson, equipped with arms, or did they ever turn out with arms of any kind?—A. Not that I know of, and I do not think they ever did turn out with any arms.

C. R. F. BAKER.

Sworn to before me this 18th day of April, 1877.

[SEAL.]

D. J. AULD,
Notary Public.

HERMAN SCHWERIN sworn.

Question. What is your age, and where did you reside during the last campaign?—Answer. I am twenty-four years of age, and resided in Sumter, Sumter County, South Carolina.

Q. Do you know Sam. McDuffie?—A. I do.

Q. By whom was he employed during last year?—A. Mrs. Julia Solomons.

Q. He said in his testimony for the contestee that he lost his position in Mrs. Solomons's employ for voting the republican ticket. Is this true?—A. It is not true.

Q. State, if you know, why Mrs. Solomons did not continue her employ.—A. I am a brother of Mrs. Solomons and know all about her business. She discharged Sam. McDuffie on account of drunkenness and inattention to his business—duties about the house and yard. These are the principal reasons.

Q. He also said in his testimony that he was not concerned in any

way in the disturbance of a democratic meeting when the speakers were speaking from the court-house piazza during the last campaign. Is this true?—A. It is not true. He was the principal mover of that riot on that occasion, and finding that he had been the cause of a disturbance lied out of it, for I hunted him down and found him near the store of W. J. Andrews, and he swore that he knew nothing about it, when I and a number of other gentlemen saw him to the rear of the speakers and know positively that he was the instigator of the riots.

Q. He further said in his testimony that you, Herman Schwerin, threatened to put fourteen buck-shots through him for political reasons, and said to him that "he would be the first negro killed." Is this statement true?—A. It is not true.

Q. State what occurred between yourself and the said Sam. McDuffie one night during the campaign in your store.—A. One night during the campaign, while he was in the employ of Mrs. Solomons, he came to my store under the influence of drink and used very loud and unpleasant language, whereupon I ordered him from my store. He then stopped and asked Mr. J. D. Craig, who was in the store at the time, if he had signed a paper or resolution offered at a meeting of the democratic club of Sumter Township. I got tired of his talk and answered for both, saying that Mr. Craig had signed it and I also, and I wanted to know what he had to do with it. I came from behind the counter and ordered him out of the store because he was drunk and very insulting. He started to the door and gave me some impudence, when I shoved him out and told him to go away from my store or I would hurt him. I never once said to him on any occasion that I would put any buck-shot in him, one or fourteen either.

Q. Do you know the reputation or character of the said Sam. McDuffie in this community for truth?—A. I do; the very worst reputation for truthfulness.

Q. In your opinion, if the United States troops had not been brought into the State and into this county, what would have been the result of the last campaign? Would the county have gone democratic or republican?

(Objected to as leading, calling for opinion, and cumulative.)

A. My opinion is that Sumter County would have gone democratic, judging from the large number of colored voters on our democratic roll who gradually dropped from it after the arrival of the troops.

Cross-examined:

Q. Did you see Samuel McDuffie do anything or hear him say anything on the occasion of the riots you refer to?—A. I did hear him say a number of things and saw him strike at Mr. J. Blake Steedman, and immediately afterwards sneaked out of the way.

Q. I intended by my question to find out what you saw him do or heard him say, from which you say that he occasioned the riots.—A. He was standing behind the speakers on the court-house piazza when Mr. John Peter Richardson was addressing the crowd who were gathered in front. Maj. T. B. Fraser, Maj. W. F. B. Haynsworth, and others, were standing on the same piazza of the court-house, when he, Sam. McDuffie, was very boisterous and disorderly, which disturbed the speaking. Major Fraser turned and said to him, "Sam. McDuffie, you had better be quiet or leave;" whereupon he, Sam. McDuffie, said: "I don't give a damn for Richardson," meaning the speaker. He then was spoken to the second time, but continued his noise. Mr. Steedman tried to get him off and he resisted, thereby causing considerable trouble.

Q. Who was Mr. Steedman; was he an officer or not?—A. Mr. Steedman was not an officer and used no force.

Q. Did you make no threats on the occasion at your store to which you refer, against Sam McDuffie?—A. No more than that if he came in again I would hurt him; would have done the same thing to any other man who came into my place of business and tried to raise a riot.

Q. Were not your feelings aroused against McDuffie owing to the active part he had taken in politics during the campaign?—A. At that time he took no active part in the campaign, and had my feelings been aroused they would have been so before that occasion. He had promised me at that time and before, without my solicitation, that he would vote as I did. This unpleasantness was not caused from any politics whatever. He was drunk and very insulting, and on those grounds I ordered him from my store.

Q. Who have you heard say that Sam McDuffie would tell lies?—A. I have heard Rachel and William Cuthbert, and his brother, J. E. Schwerin and others.

Q. When did the troops arrive in this county?—A. I don't recollect the date. I don't know whether it was a week or two weeks or a month before the election.

Q. How many colored men were on the democratic roll?—A. I don't recollect the exact number. It may have been between three and four hundred.

Q. Do you swear that there were three hundred colored men on this roll?—A. I don't know the exact number, but suppose there was.

Q. How long before the election was it when they began gradually to drop off?—A. Two or three meetings.

Q. How often were these meetings when it was expected that all the members should attend?—A. They were all expected out at every meeting. The meetings were held once or twice a week.

Q. How many weeks before the election was it that they commenced to drop off.

(Objected to this continued repetition of the same question for the reason that it simply consumes time.)

A. Two or three, I suppose.

Q. About how many dropped off, say, three weeks before the election?—A. I can't answer that question because I don't know, and can't give any stated number.

Q. I did not ask you for a stated amount, but about how many?—A. I don't know about how many.

Q. About how many dropped off, say, two weeks before the election?—A. I don't know how many.

Q. Can you swear that any did at that time?—A. I can swear that there was a dropping off from the meetings of attendance for, perhaps, it may be two or three weeks before the election.

Q. Can you swear what caused it?—A. It is my belief that the anticipated company of United States troops caused the slim attendance at our later meetings.

Q. What facts are within your knowledge upon what you base this opinion?—A. By the slim attendance of the colored members.

Q. You said in your examination-in-chief that there was a gradual dropping off after the arrival of the troops in your cross-examination; it appears that you do not know when they came—the troops. Now, how can you say that this was the cause of their dropping off?—A. I can say it was the anticipation of the coming of the troops.

Q. In your examination-in-chief you said there was a gradual drop

ping off after the arrival of the troops. Now you say there was a gradual dropping off in anticipation of the arrival of the troops. Which do you mean?—A. I mean on the anticipation and after the arrival of the troops.

Q. About how many dropped off in all?—A. I have already said I don't know the number.

Q. If you don't know how many, how can you say it changed the result of the election in this county?—A. Judging from our local clubs. I supposed it had the same effect on the other clubs in the county.

Redirect:

Q. You have been asked as to the attendance of colored members of your township clubs on its meetings. Is it not a fact that during the early stages of the campaign, and up to at least the middle of October, that the attendance of colored members was large and enthusiastic, and crowded the large hall in which you held your meetings?

(Objected to as not being in reply to cross-examination.)

A. That is all so.

Q. Is it not a further fact that after the middle of October, and gradually until after the election, the attendance of your colored members diminished in numbers?—A. It is so.

H. SCHWERIN.

Sworn to before me this the 19th day of April, 1877.

[SEAL.]

D. J. AULD,
Notary Public.

Capt. E. C. GREEN sworn.

Question. What is your age, and where did you reside during the last campaign?—A. I am forty-one years old; in Sumter Township.

Q. Witnesses for the contestee have been produced to prove that the democrats of this, Sumpter Township, were not opposed to the bringing of troops to this point, and Mr. T. J. Tuomey, one of these witnesses, and perhaps another witness, testified that you made a speech to the troops at the depot upon the occasion of their leaving this place, thanking them for their presence here and their behavior, or in substance this. Did you make at any speech at any time to the troops who were here?—A. No, sir; the whole thing is false; I was not at the depot at any time when the troops were here, either when they came or went.

Cross-examined:

Q. Did not prominent democrats address the troops at the depot on their leaving town?—A. I do not know, nor have I ever heard so.

Q. How do you know that the democrats of this town and township were opposed to the coming of the troops?—A. Because I heard a great many of them say so. I know I was, for one.

Q. Please mention the name of one whom you heard say so?—A. J. N. Spann, and others.

Q. Give me what J. N. Spann said?—A. He said the troops were just coming here to make the colored people vote the republican ticket, and it was a shame to use the Army for that purpose.

Q. What was the name of the manager of election to whose house you went on the Sunday or Sunday night after the election?—A. I did not go to any manager's house.

Q. Where did you go?—A. I went to Mr. Moore's turpentine-farm and staid there all night.

Q. What word did you send to a manager of election on that occasion?—A. I never sent any word.

Q. Didn't you do something to prevent or attempt to prevent a democratic manager of election from coming to Sumter, when certain boxes were to be opened?—A. No, sir.

Q. Didn't you advise or ask, or in some way endeavor to prevent a Mr. McLauren, who was either a manager or supervisor, from coming to Sumter when the box had to be opened?—A. No, sir, just the reverse; I brought Mr. McLauren to Sumter. I mean he came along with me. I slept with him the night before.

E. C. GREEN, JR.

Sworn to before me this the 20th day of April, 1877.

[SEAL.]

D. J. AULD,
Notary Public.

JACOB D. SINGLETON (colored) sworn.

Question. What is your age, and where did you reside during the last campaign.—Answer. I am in my fifty-third year. I resided in Sumter Township.

Q. Are you a republican or a democrat?—A. A republican.

Q. What position did you hold last year?—A. Jailer.

Q. How long have you been jailer in this county?—A. About eight years and two months.

Q. Were you jailer when the jail was burned?—A. Yes, I was.

Q. When was the jail burned?—A. I think it was the first part of May, 1873.

Q. Rev. Wm. E. Johnston and W. J. Andrews, in giving testimony for the contestee, have said that the State arms which had been distributed to the militia company at this place were called in or stored in the jail, and were burned when the jail was burned, or that the greater portion of them were so stored in the jail and burned. Is it so, that the arms which had been given out to the said militia company were burned in the jail?—A. I am satisfied that about fifty or seventy-five were not burned; these they had out among them in the country and had not brought them back.

Q. How many, or about how many, arms were burned in the jail?—A. There was three boxes that never had been opened; they were burned.

Q. How many arms, or about how many, that were not in these boxes were burned?—A. I could not tell you exactly; the other boxes that were opened contained some arms and some were setting up around in the jail.

Q. About how many were leaning up in the room?—A. I suppose some two or three dozen.

Q. W. J. Andrews, a witness for the contestee, attempted to prove that the contestant or his friends made an effort to have his name, which was printed upon slips, substituted clandestinely for that of Rainey on the republican ticket, and that this effort was made in and by a letter written to Rev. Burrell James, to Cheraw; had you any conversation with the contestant, J. S. Richardson, about those strips?—A. Yes; I did.

Q. Did the contestant directly or indirectly say or intimate that he wanted his name substituted for Rainey's on any one's ticket without the voter wished it to be substituted?—A. No, sir; he did not.

Q. Was there not a letter written by Mr. Samuel Lee to Rev. Burrell James upon this subject?—A. Yes, sir; he told me so. I saw him with the letter in his hand.

(Objected to as hearsay.)

Q. Did not Mr. Lee acquaint you with what he had written?—A. Yes, sir.

Q. In what he told you was in the letter, was there anything which conveyed the idea that the strips with the contestant's name on them were to be used clandestinely?

(This is objected to as calling for matter of opinion and hearsay and attempting to prove the declarations of Mr. Lee by hearsay, when, being in town, he could be produced himself.)

A. I did read the letter myself, but, on reflection, I think Mr. Lee read the letter over to me, for I signed my name to it, and I did not understand that the strips were to be used in any fraudulent way, from the wording of the letter.

Cross-examined:

Q. About how many boxes of arms were brought here for the militia?—A. I suppose there must have been seven of them at least—six or seven. It strikes me there must have been at least six boxes of guns and two boxes of trappings.

Q. I understand you to say that you can't be certain as to the number of guns in the open boxes?—A. I can't be certain.

Q. So then you can't say how many guns were burned in the jail?—A. I cannot.

Q. Haven't you seen or heard that some of these guns were in the hands of the rifle-club?—A. It seems to me I have heard some one say they had some of them, but I never have heard any one say positively they knew it.

Q. Did you not see some that you took to be these, yourself?—A. I saw one, and had it in my hands myself. I believed it to be one of the guns that was at the jail. That was since the election I saw that one.

Q. Did the coming of United States troops in any way prevent or influence colored men to vote the republican ticket when they wished to vote the democratic?—A. Not to my knowledge. I can only answer for myself; it had no effect on me. I never heard anybody say anything about it.

Q. Don't you believe that if the troops had any effect upon voters, it was simply to assure them that they could vote as they pleased unmolested?

(Objected to as leading and eliciting opinion.)

A. It was my opinion that they were here simply to keep the peace, and I never heard anybody say that the troops forced them either way.

Q. Don't you believe that every man who wished to vote the democratic ticket did so without any regard to the troops at all?—A. I don't see why they should affect anybody one way or another.

Q. On the day of the republican mass-meeting in Sumter, did you see the democratic horsemen break through the procession?—A. No, sir; I don't know anything about it.

Q. You were in favor of Mr. Richardson in the last campaign?—A. Yes, sir; I voted for him.

Q. Mr. Lee was also in favor of Mr. Richardson, was he not?—A. I judge so.

J. D. SINGLETON.

Sworn to before me this the 20th day of April, 1877.

[SEAL.]

D. J. AULD,
Notary Public.

DUNCAN ROBERTSON sworn.

Question. What is your age?—Answer. I am about forty-five.

Q. Where did you reside during the last campaign?—A. Here in the town of Sumter.

Q. Of what country are you a citizen?—A. I am a citizen of Great Britain.

Q. W. J. Andrews, a witness for the contestee, said, in substance, in his testimony-in-chief, that the presence of the troops had no influence whatever upon the result of the election, and in his cross-examination denied that he had ever said to Mr. A. J. Moses or any one else anything that could be construed into a different expression. Have you ever heard W. J. Andrews speak or say anything of the troops, or of their coming here?

(The examination of this witness is objected to on the ground that no notice has been served that he would be examined.

Contestant answers to this objection that the names of Donald and David Robertson were inserted in the notice under the impression that David was the name of this witness, and claims that as the name of Robertson is twice in the notice, with the given name commencing with D, that the objection is technical, and continues the examination with this explanation, subject to the objection made, there being no other David Robertson in the county shown.

The last question is objected to by contestee's counsel, first, because it recites facts in relation to W. J. Andrews, which it is submitted he did not say; and, second, because he is attempted to be contradicted by this witness, and a conversation had with him, of which he was not asked or referred to in his examination.)

A. Yes; I heard him.

Q. When was it?—A. After the troops came here last fall.

Q. Where was it?—A. On the street; Andrews going home, and I going home.

Q. Who was Andrews walking with and talking to?—A. He was by himself when he came up with me.

Q. What did he say?—A. I asked him how he was getting along, and what was the news. He told me that he felt pretty well cheered up to-night, as the troops had come here, and all the colored folks had told him they were going to vote for the republican party; that he felt pretty well satisfied this county would go republican now, as the troops were here.

Cross-examined:

Q. How long was this before the day of the election?—A. I could not tell you.

Q. About how long?—A. I can't tell you how long, but not very long.

Q. Don't you know that W. J. Andrews left this town on the Tuesday before the election and did not return until Saturday night before the election?—A. No; I don't know anything at all about that.

Q. How long had the troops been here when you had this conversation with W. J. Andrews?—A. I am not able to answer that question; but not very long.

Q. About how long?—A. Well, could not say; a very short time. I am under the impression he had been off electioneering that day, and the conversation occurred that night.

Q. Who was walking with you and Andrews?—A. Nobody.

Q. In stating what Andrews said to you, do you give his words, or

just the impression left on your mind?—A. I give the words he used, as near as I can remember. He might have said more.

Q. Do you say that you gave his words?—A. Yes, I do; as well as I remember.

Q. Please repeat what he told you.—A. He said in this way: He felt pretty well cheered up to-night; the troops had come here, and the colored people said that they were going to vote for the republican party; that he felt satisfied this county would go republican now, or something to that effect, as near as I can word it.

DUNCAN ROBERTSON.

Sworn to before me this the 20th day of April, 1877.

[SEAL.]

D. J. AULD,
Notary Public.

J. D. CRAIG sworn.

Question. What is your age?—Answer. Forty-five.

Q. Where did you reside during the last campaign?—A. In Sumter, in Sumter County.

Q. Do you know Samuel McDuffie and Herman Schwerin?—A. I do.

Q. Were you present in the store of Herman Schwerin, in this town of Sumter, during the last fall before the election, when words passed between the said Herman Schwerin and Samuel McDuffie?—A. I was.

Q. Samuel McDuffie said in his testimony for Rainey, substantially, that in that difficulty Herman Schwerin threatened to put fourteen buckshot through him, and said that he (Sam McDuffie) would be the first negro killed. Did Herman Schwerin say any such words, or words that could be construed as conveying such meaning?—A. If he did I did not hear them.

Q. Were you near them, and could you hear all that passed between them?—A. I was between them at the time Mr. Schwerin first spoke to him, and near them all the time the fuss was going on.

Q. Did Mr. Schwerin leave the store at all during the difficulty?—A. If he did I did not see him, and don't think he came out of the store at all.

Cross-examined:

Q. Do you know that the difficulty you have alluded to is the only one these parties had?—A. It is the only one I know anything of.

J. D. CRAIG.

Sworn to before me this the 20th day of April, 1877.

[SEAL.]

D. J. AULD,
Notary Public.

Dr. JOHN H. FURMAN sworn.

Question. What is your age, and where did you reside during the last campaign?—Answer. I am fifty-three years of age, and I resided in Sumter County, South Carolina, Privateer Township.

Q. Where were you on the day of the election?—A. At Privateer precinct.

Q. In what capacity were you there?—A. I was United States supervisor.

Q. James Smiling and Jacob Bethune, the two republican managers at that box, in giving testimony for Joseph H. Rainey, said that the box was opened on that day at not over half past six o'clock a. m., and so early that they had to use candles. Do you know the precise hour that the box was opened? And, if so, state it.—A. I took it

down at the time. Jake Bethune arrived at two minutes after seven a. m.; at twenty-seven minutes past seven, box opened.

Q. Were or were not the watches of yourself and John B. Tindal, the republican supervisor, and the watches of W. O. Cain and perhaps James E. Smiling compared, and the hour agreed on as to the hour of the opening of the box?—A. The impression is very distinct upon my mind that there was a general comparing of time-pieces, and that was the time agreed upon.

Q. Was twenty-seven minutes past seven o'clock a. m. the time of opening the box, according to your watch and such watches as were compared with yours?—A. The impression on my mind is that that was the time by my watch, and it was generally conceded that that was the time.

Q. Did or did you not make a note of the hour at the time?—A. I so recollect.

Q. Have you the note here present that you made at the time?—A. I have.

Q. According to that note, is or is not twenty-seven minutes after seven o'clock a. m. the hour at which the box was opened?—A. It is; as I have stated.

The note made by the United States supervisor herewith proved by him and offered in evidence, as follows:

Memoranda.

Jake Bethune arrived at 2 minutes after 7 with box-key; 27 minutes past 7, box open.

In evidence.

D. J. AULD, *Notary Public.*

Cross-examined:

Q. What time on that morning did you get to the polls?—A. As well as I recollect, it was about six o'clock, perhaps a little before, but I think about that time. It was a very stormy night.

Q. Was not two of the managers there at that time, or very shortly afterward?—A. I am under the impression that I found Mr. W. O. Cain there, and Mr. Smiling was either there or very soon afterward.

Q. Please state fully the cause of delay in opening the poll.—A. One very serious cause was, the box was not there, and when it came the key was not there; they arrived at different times. This is my recollection.

Q. Was not the poll opened as soon as the managers could get the box and key for the purpose?—A. My recollection is that the poll was opened soon after the arrival of the key to the box.

Q. At the time the poll was opened had many of the voters begun to arrive?—A. I don't think there were a great many there. I did not count them. There were several.

Q. Was there not time abundant for all to vote who wished to do so?—A. I did not see that any were prevented from voting by the delay in opening the poll.

Q. Did you not keep on that day a poll-list of the voters?—A. I did not.

Q. Don't you know that the ballots found in the box at the closing of the polls and the number of names on the poll-list were the same?—A. I am under that impression.

Q. Did not the managers administer an oath to all the voters?—A. I think there was a form of oath administered to all the voters.

Q. You heard this oath read various times that day. Did you detect or observe any omission or error in the same?—A. It struck me it was informal, and I therefore copied it.

Q. Have you the copy?—A. I have.

The form of the oath administered as above is herewith proved and admitted in evidence.

Memoranda.

You solemnly swear that you are entitled to vote, according to the Con. of the U. S. and this S, and that you have resided in this State one year and in the county sixty days, and that you have not at any other polls during of the election. So help

In evidence.

D. J. AULD, *Notary Public.*

Q. I see that the oath is abbreviated; for instance, the word State is written "S," and other similar words. This abbreviation is yours, is it not?—A. Yes; it is mine.

Redirect:

Q. There are no words in your copy left out which were in the original, are there?—A. I am confident my recollection is good on the subject, as I wrote it at the time, in order that I might have a copy. If there is any omission it is entirely out of my knowledge, except that there is an impression on my mind that the words "me God" at the end may have been omitted by me, but I am not positive.

JOHN H. FURMAN.

Sworn to before me this the 20th day of April, 1877.

[SEAL.]

D. J. AULD,
Notary Public.

HERMAN SCHWERIN recalled:

Question. How many difficulties or disputes did you ever have with Sam McDuffie in your store during the last campaign?—Answer. Only one.

Q. Were you present in the court-house on a certain night during the last campaign when Sam Lee was speaking, and Mr. Jos. H. Earle was present and made a remark or two?—A. I was.

Q. State who went there with Mr. Earle, what he and they did when they got there, and what he said and how came he to say it.—A. Mr. Steedman, Marion Moise, my brother and myself, and twelve or fifteen others, as well as I remember. They merely walked into the court-house to see and hear what was going on. Samuel Lee was addressing the meeting at the time of our entrance; he was speaking of, as he termed it, a "stanch colored democrat" that had been to him that day and said that he was just fooling the democrats. We got tired and started to leave after hearing as much as we cared to. Mr. Earle started off with the young men who went there with him, and Sam Lee said, "Mr. Earle, this is one of your democrats," whereupon Mr. Earle advanced to the stand and said to Mr. Lee that he did not come there for the purpose of speaking, but after he saw Lee had called his name he would say a few words. He addressed himself solely to Mr. Lee in a very few words; don't remember exactly what the words were, but told him he was no gentleman, and walked out.

Q. When Mr. Earle walked out what became of those who went there with him?—A. They followed him out of the court-house into the street and went home.

Q. Was there any disturbance besides what you have now narrated, created by Mr. Lee's gratuitous directing of his remarks to a listener at this public meeting in the court-house?—A. Not that I know of. There was a great deal of excitement at the time created by parties in the court-house—Lee and his whole crowd. Mr. Wm. E. Johnston rose and asked the crowd to be quiet, and everything passed off quietly as far as I know.

Q. It seems, then, that Mr. Earle went there to listen, and behaved himself respectfully, and was actually leaving the court-house, when his going was stopped by Mr. Lee's addressing to him personally a remark disparaging to his political party; is this so?

(All of the above objected to as calling for opinion.)

A. It is all so.

Cross-examined :

Q. Where did that crowd headed by Mr. Earle come from when they went into the court-house?—A. They came from the Music Hall after a meeting of our democratic club.

Q. What club do you refer to? Is it the one known in this town as the rifle-club or not?—A. It is not the rifle-club, but our Sumter Township democratic club.

Q. Who was the captain of the rifle-club?—A. Guignard Richardson.

Q. What office in that club did Mr. Earle hold?—A. He held no office, not being a member.

Q. How many of that crowd who went into the court-house were members of the rifle-club?—A. I don't know.

Q. Did not those that went there agree among themselves to go before they started, and go together?—A. No.

Q. How does it happen, then, that they all went together?—A. As well as I can recollect, Mr. Earle and Steedman went toward the court-house, and on inquiry we found out where they had gone, and followed.

Q. Did not Mr. Earle call Lee a liar on that occasion, and abuse him?—A. I think he did. I believe he did.

Q. Was not the remark that Mr. Lee made to Mr. Earle made pleasantly?—A. It was made in his usual insignificant way.

Redirect :

Q. Is not the place where Mr. Earle, and those who went with him, went that night the public court-house, the property alike of all citizens of the county, and with the rights of all citizens to go into it?—A. Of course it was.

Q. Was there any objection made on the part of any one to your going in, or intimated to you?—A. There was none.

H. SCHWERIN.

Sworn to before me this the 20th day of April, 1877.

[SEAL.]

D. J. AULD,
Notary Public.

ALFRED BRUNSON (colored) sworn :

Question. What is your age?—Answer. Twenty-seven the 4th day of next March.

Q. Where did you live when the last campaign was going on?—A. In this town of Sumter.

Q. In whose employ were you during the last campaign?—A. W. H. Epperson & Brother.

Q. W. J. Andrews, a witness for the contestee, said in his testimony

that you were intimidated or that you lost your position on account of your politics, or words to that effect, and he said that you told him so. Did you tell him so?—A. Mr. Andrews asked me, and I told him this, that I don't want to have anything to do with it, but if I should be called up I don't think I would lie about it. I never told Mr. Andrews I lost my position on account of politics or that I had been intimidated.

Q. Did or did not Mr. Andrews go to you and try to get you to go before Mr. Teicher and say that you had been intimidated, or had lost your position on account of politics, or some such testimony?—A. Yes, sir; Mr. Andrews did ask me about the intimidation, and about losing my place at Mr. Epperson's.

Q. What did Andrews want you to go and give testimony about?—A. He did not want me to give any particular testimony. The first time Mr. Andrews spoke to me, Mr. Andrews said to me, says he, "Brunson, this is testimony between Rainey and Richardson;" and said, "Where were you working at that time?" I said, "You know where I was working for the last year most." I told Mr. Bill Andrews no man could intimidate me no more than my sense would allow me to go. W. H. Epperson & Brother have told me which was the best way for me to go; what they thought; they never told me anything about discharging me.

Q. How many times did W. J. Andrews go to you and talk to you about this intimidation?—A. I believe about some three or four times.

Q. Were you discharged by either of the Eppersons because you were a republican, or because you voted or wanted to vote the republican ticket?—A. No.

Q. Did you ever tell W. J. Andrews or anybody else that you were discharged because you were a republican, or because you voted or wanted to vote the republican ticket?—A. I did not.

Cross-examination:

Q. How many drinks of whisky have you had to-day?—A. All the whisky I drink I get as I get my clothes and victuals, and pay for it. I have not been bribed with any.

Q. Where did you get the last drink you have taken?—A. Out of a bar-room.

Q. Whose bar-room?—A. Mr. Morris's.

Q. How long has it been since you took that drink?—A. About one hour and a half; I am guessing at that; I have no watch.

Q. Did you quit the employment of W. H. Epperson & Brother on election-day?—A. I did not; I did not see W. H. Epperson till next morning; he is the head man.

Q. Did you quit the day after the election?—A. I did.

Q. What sort of a ticket was it that Epperson gave you to vote that day of election?—A. Epperson did not give me any ticket. I carried a ticket round to Epperson—a republican ticket—and asked him to mark off those names I wanted marked off, and after Epperson marked this ticket I was doing something there about my business, that I always do there daily, and do yet, and I lost this ticket out of the side-pocket of my coat, and I went round to G. W. Reardon and got him to mark another ticket like the one I lost after I found out I had lost it. About a half hour after that Mr. W. H. Epperson came to me and asked me had I voted; I told him no, I had not.

Q. What occurred between you and Epperson then?—A. Nothing at all.

Q. You have just said that W. H. Epperson came to you and asked you if you had voted, but that you would not tell what occurred be-

tween you and him until pushed. Please tell me what occurred.—A. Nothing only this that I have stated.

Q. Didn't Mr. Epperson ask you if you voted the ticket he marked?—A. He did not. He met me and asked me if I had voted; I told him no when I had, and in that I told him a lie, and that is what I did not want to tell you, because that was a private matter between me and Mr. Epperson.

Q. If you voted a ticket just like the one Mr. Epperson fixed for you, what was the reason why you told him that lie?—A. Because I asked him to mark a ticket and I lost it, and I did not want to let him know that I lost that ticket.

Q. Didn't you throw that ticket away?—A. I did not.

Q. Haven't you said so?—A. I did not.

Q. If you wanted Mr. Epperson to know how you voted, when you lost this ticket why did you not get him to fix another?—A. Because I did not care whether he knew or not.

Q. On the day after the election, did not Mr. Epperson tell you he had no further use for you?—A. No, he did not that way. Mr. J. M. Epperson came in the store first and talked to me; after about a half hour Mr. W. H. Epperson came in. Mr. J. M. Epperson said I must sell nothing on a credit that morning. After that, when I got ready to go to my breakfast, Mr. W. H. Epperson came in and said he did not have work enough for all of us; he would settle up with me, but I could come back to the store and get what I wanted until I got into employment somewhere else. Both the Eppersons told me they had nothing against me, and said they hoped I had nothing against them.

Q. How did you vote?—A. I voted the republican ticket all but two names, T. J. Tuomey and Johnston.

Q. Was it not reported all over this town that you were turned off on account of the way in which you voted?—A. I don't know anything about it.

Q. Did you sell things for Mr. Epperson?—A. I did.

Q. Whose employment did you go into when you left Mr. Epperson?—A. Nobody's. I did job-work. Was only out of their employment about three weeks when they sent for me to come back, and they furnished me my weekly rations all the time I was out of their employment.

Q. Haven't you said that you were afraid to tell the truth in this matter for fear they would turn you off again?—A. I did not.

Redirect:

Q. Although Messrs. W. H. Epperson & Bro. told you that they had no use for so many as they had employed at that time, and that they would settle with you, did you not continue after that time to go to the store and do little jobs and get your tobacco and other things?—A. Yes, every day.

Q. How many did they have employed besides you?—A. Four with himself.

Q. Since you have been notified that J. S. Richardson would call you as a witness, have you received any messages purporting to come from W. J. Andrews?—A. I received two messages.

Q. What were the messages that you received?

(Objected to as being hearsay.)

A. The word that came to me was Mr. Andrews wanted me to come to give the testimony between Captain Richardson and Rainey whether I was intimidated or not. I met Mr. Andrews on the street, and I told Mr. Andrews the same thing I am telling you now nearly; and that is

all I have got to tell you, except the message to come to see him. I never had chance to come.

his
ALFRED + BRUNSON. •
mark.

Sworn to before me this the 20th day of April, 1877.

[SEAL.]

D. J. AULD,
Notary Public.

WM. H. EPPERSON sworn :

Question. What is your age, Mr. Epperson ?—Answer. Thirty-six.

Q. Where do you do business ?—A. In Sumter, under the firm-name of W. H. Epperson & Bro.

Q. Did you have in your employ during last year Alfred Branson ?—A. We had.

Q. Was he discharged from your employ on account of his having voted the republican ticket ?—A. No.

Q. Did you or your brother, so far as you know, ever try to intimidate him to vote the democratic ticket ?—A. No. I never said election to him before the election in my life, or no other colored man in the county.

Cross-examination :

Q. He says that W. H. Epperson & Bro. told him which was the best way to go ; that is, how he ought to vote ; is this so Mr. Epperson ?—A. The only thing I ever told him about the election was when he brought in the ticket and asked me to scratch two names off it. I was writing at the desk. He asked me which ticket I was going to vote, and I told him I was going to vote the democratic ticket. If he wanted to vote the republican ticket, every man was a free man now and ought to vote as he pleased.

Q. Didn't you at that time, or at some other time, give him reason to know that if he voted the republican ticket he would lose his employment ?—A. No, sir.

Q. Didn't he lose his position, next day in consequence of the manner of his voting, or in the way in which he acted in regard to his voting, or didn't his voting have something to do with it ?—A. I did not know how he voted, and consequently it could not have anything to do with it.

Q. How many names did you take off of his ticket ?—A. Two, Tuomey and John Johnson.

W. H. EPPERSON.

Sworn to before me this the 20th day of April, 1877.

[SEAL.]

D. J. AULD,
Notary Public.

HENRY SINGLETON (colored) sworn :

Question. What is your age ?—Answer. I am forty-three.

Q. Where did you live last ?—A. On the plantation of the contestant, J. S. Richardson, in this county.

Q. Where do you live now ?—A. Same place.

Q. Are you a republican ?—A. Yes, I am

Q. Voted the republican ticket ?—A. I did.

Q. When you went to contract with the contestant for this year, did he ask you how you voted ?—A. No, sir.

Q. Did he give you the same contract you had last year ?—A. Same thing.

Q. Do you remember when they were taking testimony in this place for Mr. Rainey?—A. I do.

Q. Did J. S. Richardson ever ask you or say anything to you about how you voted until the time of the taking of that testimony here?—A. He did not.

Q. Were you present on the plantation of J. S. Richardson last summer when he had all the colored people then in his employ to come up and hear what he had to say about the election?—A. I was.

Q. Did you hear what he said?—A. I did.

Q. Among others present, was William Harris there?—A. He was.

Q. What did J. S. Richardson say to you all about the election?—A. He said he was running for Congressman against Rainey. He would rather we would vote the democratic ticket, but if we did not do it put his name there, if we did not choose to vote out the full democratic ticket. I don't remember anything else.

Q. Did J. S. Richardson say anything about turning any one off of the place, or not allowing them to stay there, or refusing to rent them land, if they voted the republican ticket?—A. No; he did not say that.

Q. Did J. S. Richardson, to your knowledge, or that you ever heard of, call the people on his place up and speak to them but that one time?—A. No, sir.

Q. Do you know William Harris?—A. I do.

Q. Does he not call himself Rev. William Harris?—A. He does.

Q. He (William Harris) testified in his testimony for the contestee that J. S. Richardson said on that occasion to the people on his place that "he would rather they would vote the full democratic ticket, but those that did not vote it could not stay on his place another year." Did J. S. Richardson say those words, or anything that could convey that meaning?

(Objected to as leading.)

A. No, sir.

Q. What did J. S. Richardson say about you all having the right to vote either the democratic ticket or the republican ticket?—A. He said they could vote just the way they pleased to vote.

Q. Did or did not J. S. Richardson say on that occasion that he would see that you should vote just as you please?—A. He did not say that.

Q. Why was it that William Harris left J. S. Richardson's place?—A. He never left there until January, and some time in January.

Q. When did he quit working for J. S. Richardson?—A. Before the election; some little time.

Q. How came he to leave?—A. He accused January Singleton of stealing cotton. There was a difficulty between the two. I heard that January had bound him over to keep the peace.

(The last portion of this answer was objected to as hearsay.)

Cross-examined:

Q. Do you say you voted the republican ticket?—A. Yes, sir.

Q. Did you vote for Mr. Richardson for Congress?—A. I voted the straight-out republican ticket.

Q. Did not Mr. Richardson, when he had the talk out at the place with the people on it, say that the democrats would not show favors to those who voted against their interests, or words to that effect?—A. He did not say that to my knowledge.

Q. What did he say like this?—A. I could not remember all that he said; could only remember some things.

Q. Don't you remember that he did say that those who did not vote for him for Congress could not get favors from him?—A. I don't remember his saying so. I never heard him say any such talk as that.

Q. Did you say that William Harris was on this place until some time in January?—A. Yes, sir.

Q. Don't you know that this is not so, because he was in Charleston in December as a witness?—A. I was alluding to his family.

Q. January Singleton, that you have spoken of, is your brother?—A. Yes, sir.

Q. Who did you hear say that January had bound William Harris over to keep the peace?—A. He, January Singleton, my brother, told me so.

Q. Did you vote just as you pleased in the last election?—A. Yes; just as I pleased.

Q. Did not all the colored people vote just as they pleased?—A. Yes; all of my knowing voted just as they pleased.

Q. Did the United States troops in any way prevent colored people from voting for the democrats if they wished to do it?—A. No, sir.

Q. In your judgment, did the troops affect the election in any way?—A. No, sir.

Q. Were not the democrats very well pleased at the coming of the troops?—A. I could not tell anything about that.

Q. Were colored men interfered with for being democrats or voting the democratic ticket?—A. No, sir.

Redirect:

Q. After William Harris stopped working for J. S. Richardson, did or did he not still occupy the house and premises he had on the place, and go and come to it just when he wanted to, and keep his family there up to the time he went to Charleston?—A. He did.

Q. Did or did not his family, after he left for Charleston, continue to occupy the house and premises until some time in January?—A. They did.

his
HENRY + SINGLETON.
mark.

Sworn to before me this the 20th day of April, 1877.

[SEAL.]

D. J. AULD,
Notary Public.

ANDREW BAKER (colored) sworn.

Question. What is your age?—Answer. I am twenty-eight.

Q. Where did you live last year?—A. I lived on Mr. J. S. Richardson's place, in this county.

Q. Where do you live now?—A. I live on the same place.

Q. Are you a republican or a democrat?—A. I am a republican.

Q. What ticket did you vote in the last election?—A. I voted the straight-out republican ticket.

Q. Until within the last three weeks did J. S. Richardson ever ask you how you voted?—A. No.

Q. When you wanted to contract with him for this year did he ask you anything about how you voted?—A. No.

Q. Did he or did he not give you the contract you asked for?—A. He gave me just the contract I asked for.

Q. Were you present last year during the campaign when J. S. Richardson called all the people in his employ and spoke to them about the election?—A. Yes, sir; I was in the crowd.

Q. Was William Harris, alias Rev. William Harris, also there?—A. Yes, sir.

Q. What did J. S. Richardson say to you all about the election?—A. He called us together, and I asked him, "Now, captain, what is the purpose you called us together for?" and he said he wanted to know who was all his friends now going to vote for him.

Q. William Harris says that J. S. Richardson said then that he would rather the colored people on his place would vote the full democratic ticket, but those that did not vote it they could not stay on his place another year. Did J. S. Richardson say that or anything like it?—A. No, sir; Mr. Richardson said he would rather us to vote for him if we would, but if we did not vote for him he would be our friends also.

Q. Rev. William Harris said that J. S. Richardson discharged him from his place because "he voted the republican ticket," or because he intended to vote it. What do you know about his leaving the place?—A. He asked permission to go. He told me himself that the reason he asked Mr. Richardson's permission to quit the place was because he could not get along with some of the men on the place.

Q. Had he got into any difficulty with any one on the place; and, if so, who?—A. He and January Singleton could not get on together, and he told me January Singleton had taken out a peace-warrant for him, and this was the reason he wanted to quit.

Cross-examination:

Q. What did Mr. Richardson say when he called all the people up on the place about the pledges the democrats had made?—A. He said those who voted for them they would do what they could for them, and stick up to them as their friends, and he also said he would be a friend to those who voted the republican ticket, although he would think more of those who voted the democratic ticket.

Q. Did not he on that occasion say that they must all vote for him, if they did vote the balance of the republican ticket, or something to that effect?—A. He said he called us together to see who all were his friends; to see who all would do it.

Q. Did you not vote for Mr. Richardson?—A. No.

Q. Did the troops influence colored voters to vote the republican ticket, or did they change colored men's votes?—A. They did not come about the box, as I know of.

Q. Did the coming of troops into this county keep colored men from voting the democratic ticket?—A. I don't know; now you got ahead of me.

Q. Do you know of any colored man being interrupted or interfered with by colored people because he was a democrat or voted the democratic ticket?—A. No, sir; I don't know.

his
ANDREW + BAKER.
mark.

Sworn to before me this the 20th day of April, 1877.

[SEAL.]

D. J. AULD,
Notary Public.

DAVIDSON M. RICHARDSON sworn.

Question. What is your age?—Answer. Twenty-four.

Q. Were you in charge of, and had you the management of, the plantation of the contestant, J. S. Richardson, during the year 1876?—A. I was, and am still in charge of it.

Q. Do you know one William Harris?—A. I do.

Q. Was he one of the hands employed on that place during last year?—A. He was.

Q. Did he remain employed on the place until the close of the year, or did he leave the place before the close of the year?—A. He left, or he quit the contract, between the 25th and 30th October.

Q. Did you or J. S. Richardson discharge him?—A. We did not discharge him; he came up and requested to be released from his contract. He stated at the time that he could not get on with the rest of the hands on the place.

Q. Was there any difficulty between him and the hands on the place; and, if so, with which ones was the difficulty?—A. He had a fuss with January Singleton and Rufus Wilson, and they came in and took out a peace-bond for him.

Q. After he had left the contract at his request, as you have stated, did he not continue to have the use of the same house and premises (which he had while under contract) until the end of the year?—A. Yes; when he quit the contract he begged me for the use of the house until he could find a place to move his family to, and he did not find a place until some time after the 1st January—between the 10th and 15th January, 1877.

Cross-examination:

Q. You are the son of the contestant?—A. Yes, sir.

Q. Did not William Harris ask to quit the contract owing to the withholding of some supplies that he wished?—A. No; we had no supplies to give him. His reason given to me was that he could not get on with the others on the place. What supplies were due him (his allowance) he had drawn up to that time; he owed me, instead of my owing him.

Q. Did you hear the talk your father gave the hands before the election?—A. I did.

Q. Did he not on that occasion tell them that those who voted against his interest he could not or would not employ, or something to this effect?—A. He did not; on the contrary, the question was asked him there by some of the hands if he had said so, and he told them he had never used such expressions, and did not approve of them.

D. M. RICHARDSON.

Sworn to before me this 20th day of April, 1877.

[SEAL.]

D. J. AULD,
Notary Public.

HORACE BRADLEY (colored) sworn.

Question. What is your age?—Answer. Forty-three.

Q. Where did you live last year?—A. On J. S. Richardson's place, about two and a half miles from Sumter town.

Q. Where do you live now?—A. I live on a piece of land joining, in charge of J. S. Richardson.

Q. Do you know William Harris?—A. Yes, sir.

Q. Where did he live last year?—A. He lived in the same house I am in this year.

Q. When did he quit working for J. S. Richardson?—A. He quit exactly two months before Christmas.

Q. How came he to quit?—A. He quit because he could not get on with Janney Singleton on the place.

Q. Did J. S. Richardson or his son Davison M. Richardson discharge him from the place?—A. No, sir.

Q. What do you know about his leaving?—A. William Harris asked

Davison M. Richardson to let him quit, and Davison M. Richardson told him to pay what he owed him, and he could quit at that moment if he wanted to.

Q. Did he quit working?—A. He stopped working right away.

Q. Did William Harris assign a reason for wanting to quit?—A. He said if he staid the year out he would kill some one on the place or they would kill him. Rufus Wilson's cotton was stolen out of his house and January Singleton went over to Charles Campbell's house, and January saw William Harris come over there and ask Charles Campbell to haul him up a load of seed cotton to the town of Sumter, and January he accused Harris for taking that cotton for Rufus Wilson, and Harris accused January of taking the cotton.

Q. Was or was not a peace-warrant taken out; and, if so, who took it out?—A. There was. Janney Singleton took it out.

Q. Who did he take it out against?—A. William Harris.

Q. When did William Harris go to Charleston?—A. The last Sunday in the year.

Q. Was that the last day in the year?—A. I don't know.

Q. After William Harris quit working for J. S. Richardson did he and his family continue to occupy the house he was living in, and for how long?—A. Yes; till about the middle of January.

Q. Who told you that Harris permission to leave the place?—A. William Harris told me so himself.

Q. When Harris's family moved out of the house who moved into it?—A. I moved into it.

Q. What did you find in the garden?—A. A bank of ashes.

Q. How near was the garden to the house?—A. Adjoining the house; the house had two doors, one leading into the garden and the other out into the front yard.

Q. When you dug down that bank what did you find in that bank?—A. It was full of hog hair and entrails and bones; bones had been burned.

Q. Had William Harris any hogs while he was on the place of J. S. Richardson?—A. He had none; he bought a little red pig and carried it away with him when he went.

Q. Were there any hogs lost or stolen on the place of J. S. Richardson last year?—A. There was five. Rufus Wilson missed one. That made six.

Q. Where is William Harris now?—A. He is in jail.

Q. How do you know he is in jail?—A. I went up and saw him there yesterday.

Q. Is the William Harris you saw in jail the William Harris who was on J. S. Richardson's place last year, and who called himself the Rev. William Harris?—A. That's the one.

Cross-examined:

Q. How long had William Harris lived on Mr. Richardson's place?—A. He stayed a year and a month in the house where I now live.

Q. How long had that bank of ashes been in the garden?—A. I do know.

Q. If you don't know how long the bank of ashes was in the garden, how do you know who put it there?—A. Both of Harris's wives told me so.

Q. Tell me how the bones were burnt, but the hair was not, in the ashes?—A. I don't know.

Q. You have sworn for Mr. Richardson once before in this case against Rainey?—A. I did.

HORACE ^{his} + BRADLEY.
mark.

Sworn to before me this the 21st day of April, 1877.

[SEAL.]

D. J. AULD,
Notary Public.

JOHN J. DARGAN recalled.

Question. Are you a trial justice?—Answer. I am.

Q. Has or has not William Harris, alias Rev'd William Harris, been on trial before you for some offense? If so, state for what offense, upon whose indictment, and the result of the trial, and when tried?

(Any answer to this question is objected to on the ground that the record is the best evidence, and should be produced and put in evidence.

Answer by the contestant. The record is produced and put in evidence, so far the court here is concerned, but cannot be transmitted with the record of this case, because it is, as is generally well known, a part of the records of the court of this county, and are required, as is also generally well known, to be kept with the other records of the court.

On the production of the record, contestee's counsel objects to its introduction on the ground that it is no warrant at all, for the reason that the laws of this State require warrants to be issued under the hand and seal of the officer, and this is not so.)

A. I issued a search-warrant on 9th day of April, 1877, to have the premises of Rev. William Harris, and others, searched for goods, molasses, corn, bacon, &c, stolen from one Cain Richbow; the sheriff reported that he found the property in the possession of Rev. William Harris, and had arrested the within-named Rev. William Harris and committed him to jail. I ordered him to be brought into the court; as soon as he was brought into court and the charge of Cain Richbow and the report of the sheriff read to him, he confessed having stolen the goods, pointing to the goods that were then in my office, said, "Those are the goods I stole from Cain Richbow." The sentence was, that he having plead guilty to the charge of having stolen ten dollars worth of goods from Cain Richbow, that he be confined in the county jail for twenty days.

Q. Was there any other warrant issued against the Rev. William Harris by you; if so, state at whose prosecution, for what, and when?—

A. There was another warrant issued on the oath of Orelus Benjamin, on the 21st day of April, 1877, against the Rev. William Harris, for larceny.

Q. Who are the prosecutors in both of these instances; are they white or colored men?—A. They are both colored men, both of the prosecutors.

J. J. DARGAN.

Sworn to before me this the 21st day of April, 1877.

[SEAL.]

D. J. AULD,
Notary Public.

MORRIS WILSON (colored) sworn.

Question. What is you age?—Answer. Thirty-five years old.

Q. Where did you reside last?—A. In Sumter Town, Sumter County.

Q. By whom were you employed last year?—A. By Mr. Blake Steedman.

Q. Where is Mr. Blake Steedman now?—A. Up in Union County, S. C.

Q. When did he leave here?—A. He left here in January, 1877.

Q. W. J. Andrews, a witness for the contestee, and perhaps some other witnesses for the contestee, said in his testimony, I think, that you were intimidated by the democrats, or by Mr. Steedman, in the last election, or words implying that meaning; were you intimidated by Mr. Steedman or any democrats?—A. No, sir.

Q. Did you or did you not vote just as you pleased?—A. Yes, sir; just as I pleased. I voted the republican ticket.

Q. W. J. Andrews said in his testimony that you lost your position with Mr. Steedman or with some other democrat, because you voted the republican ticket. Did you lose your position for that reason?—A. No, sir. I stayed with Mr. Steedman until the day he left. He never did tell me if I did not vote the democratic ticket he would turn me off.

Q. Did you ever tell W. J. Andrews, Samuel McDuffie, or Harrison Witherspoon, or any one else, that you were intimidated by Mr. Steedman or any other democrat?—A. No, sir. W. J. Andrews called me one morning to him across the street and asked me if I had heard the threats the democrats had made. He said I was working with the democrats, and Mr. Steedman was one of the rankest democrats in town. He wanted me to come up to Mr. Teicher's office and tell what I knew against Mr. Steedman, and I told him I could not do that, Mr. Andrews, for Mr. Steedman did not make any threats to me, but told me to vote just as I damned please, as he had nothing to do with it.

Q. How many times did W. J. Andrews come to you or send for you about getting you to go before Mr. Teicher and give testimony for Mr. Rainey?—A. Only one time.

Q. Did you ever tell W. J. Andrews, Samuel McDuffie, Harrison Witherspoon, or anybody else, that you lost your position or failed to get favors because you were a republican or because you intended to vote the republican ticket?—A. No, sir; I never did.

Cross-examined:

Q. Who are you working with now?—A. No one, sir; I am working for myself; have got my own place.

Q. From whom are you getting your supplies this year?—A. I have got no supplies yet; have not got a five cents from any one.

Q. Haven't you had some talk with Mr. E. C. Green about supplies?—A. No, sir; I never did.

Q. What has Mr. Green had to say to you about your testimony in this case?—A. He has not said anything to me at all.

Q. Who has been talking to you about what you had to testify to in this case?—A. No one at all, sir.

Q. Haven't you had a talk with Mr. Richardson, who has just examined you, or some of his friends, about your testimony?—A. No, sir; I had a talk with Mr. Richardson about three weeks ago.

Q. How came you here this morning?—A. I brought up a load of wood this morning.

Q. Didn't you come here to-day to give testimony?—A. No, sir. I was surprised when Mr. Richardson called me across the street just now.

Q. What do you say that Mr. Andrews told you about Mr. Steedman?—A. He asked me if I had heard the threats Mr. Steedman was making. I told him no, and I asked him what it was, and he told me Mr. Steedman was making threats to turn out of employment all of them who did not vote the democratic ticket, and asked me if I had heard that. I told him no.

Q. What sort of a democrat did he tell you Mr. Steedman was?—A. He did not say.

Q. If he didn't say, how came you to say that he said Mr. Steedman was one of the rankest democrats in town?—A. I think this is a different question from the one you asked me.

Q. How many guns, &c., did you see in Mr. Steedman's store during the campaign?—A. I didn't see but one, and I cleaned that one up.

Q. Didn't you report it in this town that they did have guns there and were drilling, but that those you told must not say anything about it, because if they found out you told it they would turn you off?—A. No, sir; I did not.

Q. Didn't you tell Mr. Tuomey so?—A. Mr. Tuomey asked me if they did have guns, and I told him they did not.

Q. Didn't you tell Mr. Tindal so?—A. No, sir; me and Mr. Tindal don't speak; he don't change a word with me.

Q. When did Mr. Steedman leave this town?—A. In January.

Q. Do you say you staid in his employment in his store till January?—A. Yes, sir.

Q. Was it not commonly talked around this town that you were turned off because of your voting?—A. I never heard, and it can be proved that I worked for Mr. Steedman for four years, and until the very day he left here.

Redirect:

Q. Who are Mr. Tindal and Mr. Tuomey, by whom it is intimated you might possibly be contradicted in your testimony as to guns being in Mr. Steedman's store during the last campaign? Were they not both candidates for office upon the radical ticket?—A. Yes, both candidates last year.

Q. What office does Mr. Tindal now hold in this county?—A. Sheriff.

Q. What office does Mr. Tuomey hold?—A. School commissioner.

his
MORRIS + WILSON.
mark.

Sworn to before me this the 21st day of April, 1877.

[SEAL.]

D. J. AULD,
Notary Public.

JAMES G. WHITE sworn.

Question. What is your age, and where did you reside during the last campaign?—Answer. Five miles from Sumter in Concord Township.

Q. Do you know Anthony McCauley?—A. I do.

Q. He said in his testimony for the contestee that you and Mr. Joel Brumson and Mr. J. H. Dingle told him that "the colored people would not be allowed to vote as they pleased, or words to that effect, some time during the last campaign. Did you ever tell Anthony McCauley or any one else so, or anything like it?—A. No, sir; nothing of the kind.

Q. Did you ever hear Joel Brumson, J. H. Dingle, or any one else tell Anthony McCauley or any one else so, or anything of the kind?—A. No, sir.

Q. Have you seen Anthony McCauley lately?—A. Yes, sir; I saw him last Saturday.

Q. State what he said to you about the matter referred to, if he said anything about it.—A. He met me on the road, and he asked me what it was that I had said he had sworn to up here before the commission; it appeared as if he wanted to understand what it was. I told him what I had learned he had sworn to, (and that it was here on record,) simply that he had sworn that I had told him the colored people would not be allowed to vote in the last election unless they voted the demo-

cratic ticket. He denied ever having made any such statement, and said I had never told him so, and that he did not swear to it.

Q. In this conversation you had with him did he say whether Joel Brumson, J. H. Dingle, or any one else had ever told him such a thing?—

A. I think he did say no one had ever told him. I am certain of it, and he went on to say that he had understood that I said I would not employ any one on my place another year who did not vote for Hampton. I asked him if he ever heard me say so; he said he did not, and said that was all he intended to tell in his evidence here before the commission.

Q. Did you ever say or announce your purpose not to employ persons who had voted the republican ticket?—A. No, sir.

Cross-examined :

Q. You say that you learned that he swore (McCauley) that you had told him the colored people would not be allowed to vote unless they voted the democratic ticket. Who told you this?—A. Capt. J. S. Richardson informed me of it.

Q. Did he tell you what I have just repeated above?—A. Yes, sir; it amounted to about that in substance.

Q. Did he say that McCauley swore that you, J. G. White, said this thing?—A. Yes, sir; and he mentioned those other gentlemen also.

Q. Were you not present with others and J. H. Plowden somewhere in that country during the canvass, when Plowden had a good deal to say to McCauley and others?—A. No, sir. Never saw Plowden in the presence of McCauley.

Q. Don't you know that McCauley's testimony, heretofore given, was in relation to what Plowden said?—A. No, sir. I do not know what he said in his testimony.

Q. Do you say that you never heard anybody say that colored people would be compelled, owing to the pledges, &c., adopted by the democrats, to vote the democratic ticket?—A. I don't know that I ever did. There was so much said and done during the campaign that some may have thought the pledges might have this effect.

Redirect :

Q. Do you know anything about the pledge referred to?—A. I know nothing about it, more than hearsay. I don't know that I ever saw one.

JAMES G. WHITE.

Sworn to before me this the 21st April, 1877.

[SEAL.]

D. J. AULD,
Notary Public.

SAMUEL R. EARLE sworn.

Question. What is your age?—Answer. I am twenty-four.

Q. Where did you reside during the last campaign?—A. Near Sumter, S. C.

Q. Were you in the town of Sumter on the day of the republican mass-meeting, which was held about a week after Hampton's day?—A. I was.

Q. Were you in the democratic procession which was also in town on that day?—A. Yes, sir.

Q. It has been testified to by witnesses for the contestee, and among others by Harrison Witherspoon, Sam McDuffie, and W. J. Andrews, that the republican procession that day was assaulted two or three times by the democratic procession, and that the ranks of the republi-

can procession were broken through two or three times by the democratic procession, or words which convey that meaning. Please state what occurred as to the two processions.—A. I was leading the procession, with Mr. Steedman. We formed on the Academy Green, and first went down toward the depot, and came into Main street at Mr. Nash's residence, and came up Main street one square to Mrs. Watson's corner, then turned toward Mr. Bartlett's, because the republican procession was on Main street, halted and in two detachments, one toward the depot and one toward the center of the town. We passed between these detachments, the space between being nearly a square.

Q. When you started with the procession from the Academy Green toward the depot, why did you turn to the east at Graham street?—A. Because the republican procession was forming directly across the street we were on when we were going toward the depot.

Q. When you turned out of Graham street down Main street, why did you, after proceeding down Main street one square only, again turn to the east at Bartlett street?—A. Because we found another portion of the republican procession, halted and formed on Main street, ahead of us.

Q. When the democratic procession passed between the two sections of the republican procession, one section of which you say was toward the depot and the other section on Main street toward the center of the town, did the democratic procession ride through any portion of the republican procession, or was there space ample and sufficient for them to pass without interfering with the republican procession?—A. When I rode through I think there was at least one square between them, and I was at the head of the procession. There was a plenty of room at the time, but I do not know if the republicans came up with their procession afterward before we got through. After that, we rode down as far as Mrs. Campbell's boarding-house, on Liberty street, and turned west toward Main street, and rode to Main street. We came to the republican procession there; they were coming down Main street, going north. We halted there a few minutes, I think; then we turned our course north, and rode alongside of the republican procession up to corner of Canal street two squares, and then turned out of Main street again to the east, leaving the republican procession in Main street.

Q. When you reached Main street going west, why did you not continue in your course?—A. We would have had to cut through the republican procession or halt, and I think we did halt a few minutes, and then turned north.

Q. When you got to Canal street, why did you turn east, the direction from which you had been coming before you reached Main street, instead of going west, the direction you were going before you reached Main street?—A. We wanted to cross Main street west, but could not do so without breaking through the republican procession. We went east one square on Canal street to Harvin street; then we turned south and went two squares south to Liberty street; there we turned west again to come in behind the republican procession. When we got to Main street the republican procession had passed; a few stragglers were riding behind them. Steadman and I crossed; we were in the front when the balance were halted. Joseph Earle was commanding the procession; he was in the rear at that time, and had given orders to Mr. Andrew to halt the procession at Main street; the order to halt was given while Steadman and I were in the street, and we two passed over, in order to get out of the way of these stragglers, that is, Steadman and myself. The procession halted for a few minutes, not over

five minutes, until Mr. Joseph Earle came up and gave the order to forward; the stragglers, I think, had all passed by then.

Q. Did the democratic cross or come up with the republican procession at any other point than you have mentioned during that day?—A. I think not.

Q. The only collision, if there was any, between the two processions that day, was where that section of the republican procession which was forming at the depot attempted to unite with the section which was near the center of the town on Main street, and in order to unite may have come upon the rear of the democratic procession as it passed between the two sections?—A. That instance, and the few stragglers I have mentioned which Steadman and myself passed through at corner of Liberty and Main streets.

Q. Was or was not the call for the democratic meeting which took place that day in the town of Sumter made some days before it was known that the republicans intended to have their mass-meeting that day?—A. I think it was; I am not certain.

Q. Was not that day set for the opening of the county campaign?—A. I think it was.

Cross-examined:

Q. State your reasons for this opinion in your last answer.—A. After the procession we all went to the Academy Green; all the nominees of the democratic party were there and spoke.

Q. Do you swear they were all there?—A. I think they were all there.

Q. Don't you know that the call for a meeting by the democrats on that day had been countermanded by Colonel Blanding, and that only the clubs mounted were instructed to be present on this day?—A. I don't remember that the call was countermanded.

Q. About how many mounted clubs were in town on that day?—A. I don't know, but think there were about five hundred men; I think perhaps between five or six hundred.

Q. Did not they go in procession as clubs?—A. They did; most of them had their banners.

Q. I have understood you to say this was about a week after Hampton's day?—A. I think it was just a week.

Q. When you formed in procession on the Academy Green, for what purpose were you going to the depot?—A. I don't know that there was any particular reason for going there; the procession was just riding round town, and afterward went back to the Academy Green, where there was speaking.

Q. Did you not know before you left the Academy Green that the republicans were forming a procession at the school-house to march by the depot up Main street?—A. I did not. I heard they were forming a procession somewhere, but I did not know where. I saw some of them going toward the depot. I think a good many of them formed up at the Presbyterian church, on the other side of town.

Q. Do you say the reason why your procession didn't go to the depot was because the republicans were there?—A. I say when we got near there we saw the republicans forming across the street we were on, and we turned to avoid having a collision with them.

Q. If you were anxious to avoid a collision why did you not turn to the west instead of to the east at that point?—A. I think there was no street leading west at the point where we were when we turned. We were ordered to turn east.

Q. When you left the Academy Green why did you not come toward

the main portion of the town instead of going to the outskirts of the town, near the depot, where, you say, you found the republicans forming?—A. We were ordered to go there. I think the reason why we were ordered to go there was that we might come through the main street of the town—clean through.

Q. Is it not a fact that almost all your marching on that day was on cross streets running at right angles with Main street?—A. Some of it was; I can't say the most of it was.

Q. It appears that when you came from Graham street on to Main street you continued on Main street but a short distance when you went east on another cross street; where were you wanting to go then?—A. We wanted to go to Harvin street, as the only street we could go to.

Q. When you got on Harvin street, it appears that you followed it but a short distance before you turned west on a cross-street—Liberty street. Why was this?—A. We wanted to get back on Main street again to come through town as we had intended to do.

Q. Didn't you know at this time that the republican procession, say a half mile or a mile long, was in possession of Main street?—A. We knew it, but we had crossed Main street once before, through a gap, when the procession was forming, and were trying to get back to Main street again. We wanted to ride on Main street in the rear of the republican procession. When we got to Main street we found the republican procession so lengthy coming up from the depot, we found we could not get in their rear, so we rode alongside of them two squares, and turned east, and left them on Main street.

Q. If it was your intention to ride in the rear of the republican procession up Main street, why didn't you get in the rear when you first came to Main street, at Graham street? Or why didn't you get in the rear when you saw them near the depot?—A. There was no chance to get in their rear when we first came to Main street. We could have got in rear of the part that was formed, but the others were forming near the depot, and we did not care to go down to the depot and wait on them.

Q. At what pace or gait did your procession ride on that day through the streets?—A. Sometimes in a walk, sometimes in a gallop, owing to places where we happened to be. When we rode alongside of the republican procession on Main street, it was in a walk.

Q. You say that you went east on Canal street to Harvin street, and then turned south and went to Liberty street. Why did you do this?—A. Because we wanted to avoid the republican procession. They were going north. We could not go farther east, because Canal street stopped, and we had to turn either north or south.

Q. Did you not see some weapons drawn by some of the procession at one or more points where you came in contact with the republican procession?—A. I did not.

Q. Did not the demonstrations of the democratic procession on that day cause great excitement?—A. I don't think so.

Q. Did the republicans, on any occasion when the democrats had a meeting in this town, do as the democratic clubs did on that day, which was the republican mass-meeting?—A. I have never seen the republicans turn out in procession as we did on that day.

Q. Where on that day did the republicans hold their meeting?—A. Back of the court-house.

Q. How near to this meeting was it where the democrats had cannon stationed on that day, which were discharged repeatedly while the republicans were holding their meeting?—A. I don't think they had any

cannon here that day. They had a little thing about a foot long (made here in town) at the Academy Green where we were holding our meeting, about two squares off. The report would be loud, but not so loud as a cannon. We fired it off five or six times at the conclusion of the speeches made at the Academy Green.

Q. Do you say that at the time you rode through the procession with Mr. Steedman there were only a few stragglers behind? Is it not a fact that the procession was kept up at the point where you struck it, or only scattered on your coming?—A. I do say there was only a few stragglers behind. No, sir; the few stragglers I have mentioned was all.

Q. If there were only a few stragglers, as you say, why do you say that you and Mr. Steedman had to pass over the street to let them pass?—A. We did not care to stop in the street; we wanted to let the few stragglers pass.

Q. Could they not pass if they were stragglers without two horsemen getting out of the street?—A. They could pass.

Q. If they could pass, why do you say that you crossed over for the purpose of letting them pass?—A. If we had halted, we would have been standing right in the middle of the street.

Redirect:

Q. In the cross-examination you were asked for the reasons why you said that that day (meaning the day of the republican procession and the democratic meeting at the Academy Green) was the day fixed or set for the opening of the county campaign. Is it or is it not a fact that that day was the first day when the candidates nominated by the democratic party ever spoke in this county?

(Objected to, on the ground that the above question does not correctly quote the question asked on cross-examination.)

Contestant answers to this objection that by referring to the first question in the cross-examination, which calls for a reference to the last question and answer in the examination-in chief, the question now asked will be found strictly and substantially a reply.)

A. It was.

Q. You have been asked questions about "the clubs" which turned out on the day referred to. Were these rifle-clubs or mounted clubs?

(Objected to, on the ground that this question is not in reply, and without any chance of cross-examination.)

A. They were mounted clubs and not rifle-clubs.

J. R. EARLE.

Sworn to before me this the 21st day of April, 1877.

[SEAL.]

D. J. AULD,
Notary Public.

C. M. HURST sworn.

Question. What is your age?—Answer. Twenty years.

Q. Where did you reside during the last campaign?—A. In the town of Sumter, South Carolina.

Q. Were you in town on the day of the republican procession, which was had (the week after Hampton's day) when the democratic clubs also turned out?—A. I was.

Q. Did you count the democratic procession that day?—A. I did.

Q. How many were they in all?—A. There were two hundred and fifty-odd men and boys all together, mounted.

Q. Were you a member of the rifle-club known as the Sumter Rifle-Club?—A. Yes, sir.

Q. How long before the last campaign had that club been in existence?—A. I think it was organized three years ago this spring, in March, if I am not mistaken.

Q. When was that club disbanded?—A. It held no meetings after Governor Chamberlain's proclamation disbanding the rifle-clubs of the State. I don't think it could ever get a quorum out to formally disband.

Q. Before Governor Chamberlain's proclamation disbanding the rifle-clubs, how often during the campaign did the said rifle-club hold meetings?—A. I don't remember ever attending but one meeting; I think that was about all of them.

Q. Were or were not several attempts made to have meetings of the club?—A. I was several times informed of the intention to hold a meeting, and went, but found only a handful of members; not enough to constitute a quorum to transact business.

Q. Since the election has that club been reorganized, or has another been organized?—A. Another club, under a new name, and with new officers; and a great many members who did not belong to the old club.

Q. Is the old club now in existence, or has it been in actual existence since the proclamation of Governor Chamberlain?—A. It is not now in existence, and I don't think it has been in existence since the proclamation of Governor Chamberlain, and in fact was pretty well out of existence long before his proclamation.

Q. Had the clubs any arms during the campaign?—A. They had not; at least none that I know of.

Q. How many times during the campaign did the club drill or attempt to drill?—A. We probably had five or six drill-meetings between 15th August and the proclamation of Governor Chamberlain; just a handful of boys up in the town-hall.

Q. Was that next door to the Sumter Watchman Office?—A. Yes, sir.

Q. Were you present on the occasion in the court-house when a republican club meeting was held there, and Mr. Joseph H. Earle had something to say to Mr. Samuel Lee?—A. Yes, sir; I was there.

Q. Did or did not Mr. Earle first obtain permission from the meeting before he replied to Mr. Lee?—A. He first obtained permission from Lee and the chairman of the club, and I heard no objection by any one to Mr. Earle's speaking.

Q. Whatever excitement was created, was it or was it not created by what Mr. Earle said after he had thus obtained permission?—A. I saw no excitement at all, except that caused by a quarrel between two colored men in the piazza, one of whom was drunk.

Q. W. J. Andrews, and perhaps others, witnesses for the contestee, have characterized that affair in their testimony as a disturbance of a republican meeting. Do I understand you to say that what Mr. Earle did—this is in speaking—that he had the permission of the meeting to do it?—A. I am sure he had the permission of the chairman, and Mr. Lee yielded the floor to him for a short time, apparently cheerfully; and in closing, Mr. Earle thanked the chairman for the courtesy extended to him, and the audience for their attention.

Cross-examination:

Q. Were you in the cavalry procession on the day of the republican mass meeting?—A. I was not.

Q. Where were you during the time of the procession?—A. Most of the time I was at work at the shop corner of Canal and Main streets; balance of the time I was standing at the front door of the store watching the procession.

Q. How many other processions besides this have you ever counted?—A. This is the first one I ever counted; it was so small I counted it easily.

Q. You counted it because it was small, I suppose?—A. I counted it simply to satisfy my own curiosity.

Q. Did you count it correctly?—A. I did, sir; and had some one else standing beside me to help me.

Q. Was it necessary to have some one to help you, in order to do it correctly?—A. No, sir; I don't think so.

Q. Why, then, did you have some one to help you to count this procession, for the purpose of satisfying your curiosity?—A. I did not ask for assistance, but the gentleman who was standing by me probably felt as much interested as I did, and we counted it together.

Q. How many did you make it, and how many did he make it?—A. Both of us made it between two hundred and fifty and two hundred and sixty. I can't be positive about the odd numbers.

Q. If you counted this procession you ought to know how many were in it, and therefore please tell me without approximation.—A. I made it two hundred and fifty-three, I think, and the gentleman who counted it with me made it two hundred and fifty-seven. It has been some time since, and I think those were the figures.

Q. If you made it two hundred and fifty-three, why is it you have just said that you can't be positive about the odd numbers?—A. I still say so; but as you requested to know positively the figures, I give them to you to the best of my recollection.

Q. Who helped you to count?—A. Mr. John D. Craig.

Q. Mr. Earle, who led this procession, swears that there was, he thinks, perhaps five hundred men, or perhaps between five or six hundred men, in this procession. Do you say he was wrong?—A. Mr. Earle, being in the ranks, had no opportunity of judging the number of men. His is a rough estimate; mine, the figures.

Q. When did you become a member of the Sumter rifle-club?—A. It was during the latter part of last summer; about the 1st of August, I think.

Q. Previous to this time had you any connection with this rifle-club?—A. No, sir.

Q. If this is so, how do you manage to swear as to the time of its first organization?—A. I have not sworn to any such thing. I simply stated about what time I heard it had been organized.

Q. In the answer you refer to, did you say or intimate that you were swearing from hearsay in relation to the organization of the rifle-club?—A. No, sir. I don't swear simply from hearsay. I was not in Sumter at the time of the organization of the rifle-club, but received papers from home giving an account of the organization of that club, roll of officers, &c.

Q. How many members did it take to make a quorum of this rifle-club?—A. I do not know, sir; I stated that once before. I know that six or eight did not make a quorum, because I was there when there was that many present, and it did not constitute a quorum.

Q. On your joining this club, or after you joined it, were not officers elected?—A. They had been elected at the time of the organization and never changed previous to the date of my joining; there had been no meetings of that club, either for the transaction of business, drill, parade, or any other purpose, for more than a year.

Q. After you joined it, how often did members of this club meet in the hall for purposes of drill?—A. Between that time and the date of

Chamberlain's proclamation there were probably five or six drill-meetings.

Q. You not being a member of this club, how is it possible that you can swear that they had had no meetings for more than a year previous to your joining?—A. Ever since my return home I have been desirous of becoming a member of the rifle-club, and was obliged to wait about sixteen months for a meeting, before my letter of application could be accepted.

Q. Were you admitted to membership on a letter you had written sixteen months previously?—A. No, sir; I wrote my letter the day heard there was to be a meeting, but had been the lookout for a meeting the whole sixteen months.

Q. Are not the members of the old club members of the new club now organized?—A. A part of them. All of them are not. I think there are more new members than old, the club now numbering about sixty.

Q. Did not the old club have arms?—A. No, sir; not as a club. Some of the men may have owned guns individually, but no one used guns in the drill. Nor did I ever see any guns belonging to the old rifle-club.

Q. How could they drill in the manual of arms, as Mr. Gilbert reported in his paper he could hear them, if they did not use guns?—A. Mr. Gilbert heard the marching.

Q. Don't you know that there was a box of guns and trappings belonging to the rifle-club in Mr. Steedman's store, and it was opened and near the door where people could see it for a long time?—A. Those arms arrived here after the proclamation of Chamberlain, having been ordered before. They were never used by the old rifle-club, but some of the members as individuals took these guns.

Q. What do you mean by "boys," in speaking of drilling at the town-hall?—A. Young men from sixteen or twenty.

Q. What sort of a club was it holding a meeting in the court-house on the night you refer to?—A. A republican club.

Q. Do you know that it was a club at all?—A. I know from hearsay only.

Q. Who was the chairman of that meeting on that occasion?—A. A colored boy named Armstead Robinson.

Q. Please explain what you mean by a "boy" here.—A. I don't think he is twenty-one years old; he may be.

Q. Don't you know that John H. Legare was the chairman of that meeting on that occasion?—A. If he was, he did not occupy the chair, and did not rule the meeting while I was up there.

Q. Please describe all that occurred while you were up there.—A. In company with several others I went up to hear what was going on. Samuel Lee was speaking at the time. In his remarks he made some statements in regard to a conversation he said he had had with Mr. Joseph H. Earle. Among his statements were several that Mr. Earle considered misstatements, and by permission of Lee and the chairman of the meeting he was allowed to reply. There was no disturbance made, Mr. Earle being the only one who had anything to say, and what he said was said in a polite and respectful manner. I heard no one make any objections to Mr. Earle being allowed to speak. As soon as Mr. Earle had finished, we all quietly withdrew.

Q. Mr. Schwerin says that Mr. Lee was talking about a colored democrat at the time; is this so?

(Objected to by the contestant, because the statement here given as being the statement given by Mr. Schwerin is not all the statement which Mr. Schuerin gave as to Lee's remarks about a colored democrat, nor

does it convey the idea expressed in the statement as given by Mr. Schwerin.)

Contestee's counsel states that the question asked upon the point does convey Mr. Schwerin's meaning, and is all he said on this precise point.)

A. I think not. The conversation he mentioned that he had had with Mr. Earle was something in regard to colored voters and their rights.

Q. Had Mr. Earle got up to leave the meeting or not?—A. He was in the piazza, I know, at the time he started back; he may have been leaving.

Q. Mr. Schwerin says that Mr. Earle, on hearing his name mentioned, went back and said that having been mentioned he would have something to say, or words to that effect; is this so?—A. If he said so, I don't think he said it to the chairman of that meeting or to Lee. He first obtained permission before answering Lee.

Q. Mr. Schwerin says that Mr. Earle abused Lee, and he thinks called him a liar. What have you got to say about this?—A. Mr. Earle told Lee that he had made misstatements, probably because he, Lee, did not remember correctly the conversation referred to, and begged leave to refresh his memory. I heard nothing abusive. Mr. Earle was somewhat sarcastic, but politely so.

Q. Is it not a fact that Mr. W. E. Johnston, owing to the confusion, got up and asked them to be quiet?—A. I don't remember seeing Johnston at the meeting at all.

Q. During the campaign in this county, were you not one of a crowd of young men that, on one or more occasions, did go in front of the houses of republicans with bells and tin pans at night, and make a noise with them?—A. Yes; we did so twice, but we were requested not to perform again by Col. J. D. Blanding, chairman of the democratic ex-committee, and by a great many of the influential gentlemen of the town. The crowd consisted of ten or twelve boys, from about thirteen to my own age. I was about two years older than any one else in the crowd.

Q. Who was the leader of this crowd?—A. We never held a meeting for the election of officers, and I do not know who would have been.

Q. Hav'n't you just said that you were the leader of this crowd?—A. I said so in jest to a gentleman who made the remark to me aside jokingly.

Q. What was the object of going to these houses?

(Objection by contestant, that it is now within seven hours of the expiration of the time allowed contestant to take testimony, he really having had in all only four days by the miscarriage of the express company of his notices to contestant's counsel, and the time consumed in questioning this minor now on the stand as to what he and other minors did, is unreasonable, and a useless waste of the time remaining; he therefore protests against any further questions upon so wholly irrelevant points.)

Contestee's counsel submits that the scope of the cross-examination of this witness is warranted by the answers given, and the questions were submitted as fast as they could be reduced to writing.)

A. We had just heard of the election of Hampton, and simply thought to give the republicans a little serenade in fun.

Q. Do you say that you did not do so previous to the day of election?—A. I say so.

C. M. HURST.

Sworn to before me this the 21st day of April, 1877.

[SEAL.]

D. J. AULD,
Notary Public.

Colonel E. W. MOISE sworn.

Question. What is your age?—Answer. I am forty-five years of age next month.

Q. Where did you reside during the last campaign?—A. I was all over the State, but a great deal of the time in this Congressional district. My residence is here in Sumter.

Q. Were you not a nominee on the State democratic ticket; and, if so, for what office?—A. I was the nominee for adjutant and inspector general.

Q. You spoke in various portions of this State, did you not?—A. I did, in every county in the State but six—in twenty-seven counties.

Q. In your speeches what policy, in brief, did you advocate?

(This question is objected to, as not being in rebuttal and cumulative.)

A. A conciliatory policy, claiming the right of every man to vote as he pleased, without regard to his color. I may say further that the policy of the campaign, of which I was a part, was one of entire peace and good-will, including the opposition, and I never saw a weapon drawn or a blow struck, and no single word of rudeness was ever spoken to me by any one during the whole campaign, and I was on terms of personal kindly feeling with Mr. Chamberlain, and I called upon him when he came here.

Q. Mr. J. H. Ferriter, a witness for the contestee, said in his testimony that you made a speech at Chester, or in the up-country, advocating the assassination of Chamberlain, according to the report of the speech in some paper published in this State; is this so?—A. It is not so. At Winsborough I made a speech which was grossly misunderstood by those who are ignorant of history. Some comments were made on it in the Union Herald, to which I replied over my own signature in the same paper, exposing the ignorance of the commentator. The historical references made by me were to Julius Cæsar and Appius Claudius, also to Marat and Charlotte Corday, and the connection was as follows: "Let this man continue his assault upon the character and good name of the people of South Carolina, and it will be seen that there will be found some Brutus for this Cæsar, some Virginius for this Appius Claudius. Should the men of South Carolina be inadequate to protect their reputation, the women will assume the duty, and some Charlotte Corday will arise to check this Marat." From the above quotation it will appear that all the allusions were made in reference to the hypothetical case of a continuance of Mr. Chamberlain in the course of contumely and insult which he had commenced, and applied to a condition of the future and not of the present. Every correct historian knows that Appius Claudius died by his own hand, and that Brutus was not an assassin. The authority of Patrick Henry, of Virginia, was a sufficient justification of the expression as a rhetorical figure.

Q. Joe Delorme, a witness for the contestee, said that you said to him, or in his presence, that there were a thousand men in the State who were not willing to give sleep to their eyes until they knew that Chamberlain was dead; what of this?—A. I do not recollect having said it, and if I did, it was certainly a joke, as none of us ever contemplated the killing of any one.

Q. Rev. E. Disney, a witness for the contestee, said in his testimony that you had discharged, or he was informed that you had discharged, Aaron Jenkins from your place because he voted the republican ticket,

or that you had taken back land from him on which he had paid a large portion for some such reason.—A. Aaron Jenkins was the first man who ever signed the democratic roll in my office, and if he ever went back on his pledges this is the first time I have ever heard it. As to the land, I sold and conveyed it to him, and he conveyed it back to me by deed, in presence of two witnesses, which has been duly recorded, and then I gave him a year in which he can get it back at the same price if able to pay for it.

Q. In the testimony taken for the contestee, evidence has been given of the existence of a "saber-club" in Sumter, S. C. What about there being any "saber-club?"—A. There was a partial organization, and they elected me president of the club, but there never has to this day been a complete organization, and I think the club went to pieces after the proclamations of President Grant and Governor Chamberlain. We never had any drills of any kind.

Q. W. J. Andrews said in his testimony that on Hampton's day at Sumter there were armed men in the procession; were you here? If so, what about arms being in the procession?—A. I was here, and if there were any arms I did not see them.

Q. Samuel McDuffie said in his testimony for the contestee, in reply to a question asked him, that he was not connected in any way with the riot or disturbance which occurred on the court-house steps on the day of the democratic mass meeting, when John Peter Richardson spoke at Sumter, or words to that effect; was his denial true or not?

(Objected to on the ground that it is submitted that said McDuffie did not deny being connected with the disturbance, but claimed that he was not to blame for it.)

A. I say Samuel McDuffie was the prime cause of the trouble on that day. Early in the morning, when I was speaking, Samuel McDuffie used offensive language in reference to me, which was brought to my ears. I called him up on the spot in presence of his friends, and when he was faced by his own partisans, he got off by saying he had heard it. Afterwards he insulted Mr. J. S. Richardson while he was speaking, and later, when Col. John Peter Richardson, from Clarendon, was speaking, he insulted him, by saying in his presence and aloud that he, John Peter Richardson, would like to kill a nigger right then, and that brought about the difficulty. This remark made to John Peter Richardson by McDuffie was made upon the speaker's stand in front of the court-house and within six feet of John Peter Richardson.

Q. What was the cause of the formation of rifle-clubs in South Carolina?—A. It was known that the colored population relied greatly upon power; that the power in the State was represented by the organized militia, which was all colored and had arms, and the rifle-clubs were organized with a view to give confidence to those colored persons who were joining the democratic clubs everywhere, and were continually abused and maltreated for so doing by colored people and not white people. For an example, a colored man of Sumter, Albert Howell, was struck, for simply speaking to a colored woman, by her with an umbrella, after he had joined the democratic club, and that occurred right on the public streets in this town.

Q. Mr. Moise, what is the justification for the use of that red democratic ticket?

(Objected to as not being in reply and calling for opinion.)

A. The purpose was at first to print the democratic tickets precisely similar to the republican ticket, in order that those colored persons who

took the democratic tickets from democratic ticket-holders might not be marked by the republicans for so doing. It proved impossible to get the form of the republican tickets, because they were kept in private, where we could not get at them until after the troops were in the State, when a ticket was obtained. It was then determined to print "Union Republican Ticket" at the head of the democratic ticket, in order that the voter might vote his ticket folded up—all except the heading—in order not to attract attention to the tickets, as numerous instances had been made known to the committee that persons were afraid to vote the ticket, for fear of personal injury that would come to them or their property from other colored persons who were of the republican party, if they were known to have voted the democratic ticket.

Q. Was this course resorted to only after the rifle-clubs were disbanded and the democrats had failed to give that protection to such colored voters as desired to vote the democratic ticket, which they had sought to give by the organization of the rifle clubs?—A. This was done after the proclamations and within a few days of the election.

Cross-examined:

Q. How long previous to the election was it that the troops came into the State?—A. They came at different times; a considerable number were in the State for months, especially in the counties of Edgefield, Charleston, Richland, Beaufort, and others. About ten days previous to the election additional troops began to arrive, and were sent into Barnwell, Abbeville, Aiken, and Richland, and Colleton Counties.

Q. If it was not found necessary to use this bogus democratic ticket until after the disbanding of the rifle-clubs and the coming of the troops, why do you say it was impossible to get the form of the ticket before the troops came into the State?—A. As I have stated, it had been determined a month before to assimilate the democratic ticket to the republican ticket as nearly as possible, but as we could not get one of their tickets, and the terrorists of the republican party were emboldened by the disbanding of the clubs and the coming of the troops, it was determined to use that heading to enable our colored democrats to use that ticket without attracting attention. That is exactly what it was for. And I state that we had reason to believe and did believe we would carry Sumter County by the number of colored votes we had been promised, and we thought these tickets would enable those colored persons to vote the democratic ticket who desired without bringing down upon themselves the animosity of their other colored brethren. This was the impression three days before the election. I telegraphed this to General Hampton in answer to a telegram from him on the day before the election.

Q. Was it not expected that many of these bogus tickets would be gotten in through their ignorance?—A. I think there were persons who believe such, but I did not share in this opinion, and so stated to the committee, as it would be impossible to get our ticket into the hands of republicans, as their own runners would have their tickets and give them out.

Q. Did you not see published in the Marion Star, a democratic paper in this Congressional district, in the issue of the week of the election, that more than forty of these bogus tickets were voted at one poll in that county by republicans ignorantly, being distributed by one of the republican candidates through mistake?—A. No, sir; this is the first I ever heard of it.

Q. Was not this bogus ticket made to resemble the republican ticket

in every respect?—A. I do not know whether it was made exactly like the republican ticket or not; it generally resembled it, I think.

Q. I understand you to say the reason the words "union republican ticket" were printed on the top of it, was that it might be voted showing the head. Please explain why it had the name of Tilden for President and Hendricks for Vice-President printed on it, and at the top, whereas the democratic ticket did not have these names and had the names of Presidential electors at the bottom, but on this ticket, as on the republican ticket, at the top.—A. I don't know a thing about it, my attention was never called to it before, and I was not aware that the facts were such.

Q. Who was the county chairman of Darlington County?—A. Col. J. A. Law.

Q. Have you not said that he was the best county chairman in the State; that he had rifle-clubs organized at every cross-roads in the county, or words to this effect?—A. I think I did.

Q. The contestant in his testimony in this case has had a great deal to say about the conduct of colored women during the campaign. Did not Governor Hampton, on the 13th of this month, in a public address in Columbia, say that the victory won by the democrats in this State was not due to the men but to the women, who refused to look upon and turned their backs upon every man in South Carolina who did not support the cause?—A. I do not precisely remember Governor Hampton's words, as I took no notes and he spoke from no notes, but I have often heard him make similar gallant remarks.

Q. Please tell me if you don't know or have reason to believe that the democratic clubs, or some of them, who met and went in procession with General Hampton through the county that day, carried their arms in a wagon or wagons that were generally covered over with cloth?—A. I have never seen or heard of any such thing.

Q. Did you make a speech at Cheraw at any time?—A. I did; I spoke three times at Cheraw.

Q. Did you not, at one of the speeches that you made at Cheraw, say that we (meaning the democrats) would have Hampton governor or fight, and would fight the blue coats if necessary?—A. I am certain I did not say the latter.

Q. If the rifle-clubs were gotten up to exhibit power in opposition to the militia of the State, why was it necessary to organize these clubs in counties where there was no militia?—A. I have stated that the colored people naturally lean upon power, and that any exhibition of power, moral or physical, would have influence with that people, who I regarded the salient point of the campaign.

Q. Do you know that colored persons were continually abused and maltreated for joining democratic clubs?—A. Such was the general rumor. I do not know of my personal knowledge except in a few cases.

Q. Was not the campaign in this county as well as in the State exceedingly bitter and hotly contested?—A. I cannot say it was bitter, because I did not see or hear any bitterness; it was on our part, as far as I know, conducted very kindly, but earnestly, and earnestly contested.

Q. If peace and quietness and a law-abiding spirit existed everywhere, as it would seem to appear by letters introduced in this case from the judges, why did it become necessary to organize rifle-clubs to protect anybody?—A. The colored people, whom the rifle-clubs were organized to influence by a show of power, did terrorize to a very great extent over colored converts to democracy in a very quiet way at night, making no

disturbance about it, but in a very effective way; causing threatened separation from their families; having them prayed for in church; threatening to burn their houses and their corn-cribs; warning them that they were selling their children into slavery, &c.; and it was to stop this officious intermeddling that the rifle-clubs were organized to give protection to colored democrats by a show of power, around which they could rally.

Q. You mentioned seeing a letter threatening to burn out a colored man for becoming a democrat; where was this, and have not you reason to know it had no influence on that man's vote?—A. I don't know; it was at Kingston, in Williamsburg County.

Q. Was not the greater portion of this terrorism you speak of what is known as social ostracism?—A. A great deal of it was, as much as three fourths of it.

Redirect:

Q. In what you say in the cross-examination as to Colonel Law having organized a rifle-club at every cross-road, while you made use of such an expression, do I understand, or am I to understand, that such was a fact?—A. I don't know that he had a rifle-club at every cross-road; I may have used that figuratively. I heard he had twenty-two in the county.

E. W. MOISE.

Sworn to before me this the 21st day of April, 1877.

[SEAL.]

D. J. AULD,
Notary Public.

JOHN A. KELLEY sworn.

Question. What is your age, and where did you reside during the last campaign?—Answer. I am twenty-eight years old. I resided at Wedgefield precinct, in Middleton Township.

Q. Where were you on the day of the election?—A. At Wedgefield precinct.

Q. Do you know of any cases of intimidation, by colored men, of colored men in that township? If so, state them.—A. Yes; I know one case in particular that I could speak of—that of Rev. W. H. Smith. It was known, a short time before the election, that he intended or desired to vote the democratic ticket; and the Sabbath on which he was to preach, at a church very near my house, he was prevented from so doing on account of the understanding in the congregation that he was going to vote the democratic ticket; this Smith told me himself. The church is three or four hundred yards from my house. I heard a noise over there and started to go there, when I met Smith coming away very much excited, and he told me this.

(The above is objected to, the latter portion showing it is given upon hearsay and not in rebuttal.)

Q. Do you know any instances in your township of colored men who wanted to vote the democratic ticket but were afraid to do so?—A. This very man, W. H. Smith, wanted to vote the democratic ticket, but owing to the pressure subsequently brought to bear on him he did not vote it. There was William Carter, who told me on the day of election that he would vote the democratic ticket but for want of protection, a fear of being turned out of the church, and being ostracized.

Q. Who was the United States deputy marshal at Wedgefield?—A. He was a colored man, I think, named Wylie.

Q. Did he have on a badge?—A. He wore a piece of white ribbon with some letters stamped on it, and I understood that was the badge of the deputy United States marshals.

Q. Did he take any part in the election?—A. He exhibited a great deal of strong political partisanship by electioneering, distributing votes, and had as much to do and say as any one else, at the same time showing a great deal of official authority whenever an opportunity afforded.

(Objected to, as being cumulative and not in rebuttal.)

Q. What ticket was he distributing?—A. The republican ticket.

Q. Who was the chairman of the board of managers?—A. W. P. Singleton, the deputy sheriff of this county.

Q. Did he take any part in the election; and, if so, what did he do?—A. He also distributed republican tickets, electioneering whenever opportunity afforded. When one Stephen Green approached the ballot-box for the purpose of voting, and announced his desire to vote the democratic ticket, W. P. Singleton took the ticket out of his hand and insisted on his taking a republican ticket, and upon his declining so to do, he, by persuasion, threats, and intimidation, was put into a wagon and carried away.

(Objected to, as not being in rebuttal.)

Q. What hour did the poll open at that box?

(This question is objected to, on the ground that there is no allegation in the petition of contestant that this poll was not opened at the proper time, and is not in rebuttal.)

A. About 7 o'clock.

Q. Who administered the oath to the voters at that poll?—A. W. P. Singleton.

Q. What was the oath that he administered?

(Objected to, as not being in proof of any allegation in the petition of contestant.)

A. The oath that I administered in the early part of the day was very short; like this, "Do you swear you are qualified to vote?" Toward evening he added that he had not voted elsewhere.

Q. State the manner of counting the votes at that poll.—A. One of the managers run over the votes and selected the straight tickets, laying them one side, and the split tickets on the other side. Then, in counting, he simply counted the straight republican tickets and the straight democratic tickets, and gave to each candidate on the republican ticket the number of republican tickets and the democratic tickets the same way, and then read off the scratched tickets and gave the votes to those entitled to them.

Cross-examined:

Q. Were not the ballots counted at that poll accurately?—A. I cannot say, for I did not read one or handle one of them. The democratic manager with one of the republican managers run over the tickets.

Q. Didn't you keep a tally?—A. I did, as they were called out.

Q. Didn't your tally correspond with the votes as announced for the different candidates?—A. It did.

Q. You said in your testimony that it was known that W. H. Smith intended or desired to vote the democratic ticket; how did you know this?—A. I know from Smith himself that he wanted to vote it and promised me to vote.

Q. If you knew that he wanted to vote it, why was it necessary to have him to promise you to vote it?—A. Because I knew in that community, where the colored vote largely preponderated, that there was scarcely any political freedom among the colored people, and I got him to promise me and used my influence to strengthen him in his resolution.

Q. How do you know and are able to swear that there was scarcely any political freedom among the colored people in that neighborhood?—

A. In all communities, as a general thing where the colored element so largely preponderates, the various influences brought to bear upon them, such as being ostracized, being threatened, &c., that they are afraid to vote as they desire. That as in this particular case my opinion is based upon the facts of what he had told me, that he was prevented from preaching, and that he was threatened to be whipped.

Q. Please state what you saw Wylie, the deputy marshal, do; what acts, from which, you say, he exhibited strong political partisanship?—

A. The distribution of tickets; constant electioneering around the polls. Sometimes he would prevent us from talking to doubtful men, and getting them off when we could electioneer them, by clearing away the parties round him and would lead him up to the polls.

Q. Do you swear that W. P. Singleton was the deputy sheriff of this county?—A. I never saw his appointment, but it was general rumor that he was.

Q. You mention that Green was, by persuasion, threats, and intimidation, put into a wagon and carried away without voting; who did this, and what sort of intimidation and threats were used?—A. He was got into the wagon by his son-in-law, his son, and his wife was along and several others. He was threatened then by a warning not to do it, telling him he would need somebody to feed him, he was deserting his race, &c.

JNO. A. KELLEY.

Sworn to before me this the 21st day of April, 1877.

[SEAL.]

D. J. AULD,
Notary Public.

UNITED STATES OF AMERICA,

State of South Carolina, First Congressional District :

JOHN S. RICHARDSON, CONTESTANT,	}	Contested Congressional election.
<i>against</i>		
JOSEPH H. RAINEY, CONTESTEE.		

I, Donald J. Auld, notary public in and for the State of South Carolina, do hereby certify that the foregoing two hundred and twenty pages of testimony were taken before me as notary public, at Sumter, in the county of Sumter, S. C., on behalf of the contestant, commencing, in accordance with notices attached, on the 18th day of April, and concluding on the 21st day of April, 1877, being adjourned from day to day, as mentioned in said notices; that the witnesses came before me then and there, and were duly sworn and examined; that the questions propounded and answers given were written down in presence of said witnesses respectively, and also in presence of counsel of contestee and contestant, and after being so written down were duly attested by said witnesses, as required by law.

Given under my hand and seal of office at Sumter, in the county and State aforesaid, this the 23d day of April, 1877.

[SEAL.]

D. J. AULD,
Notary Public.

Q. Were there any arms at or near the polls at Stateburg on election-day, 7th November, 1876; and if so, where were they and in whose possession or control?—A. I did not see any arms the day of the election. The morning after the election guns were fired off by negroes at Stateburg, and I was informed and believe that they had guns there on the day of election.

Q. Have you ever heard that there were arms stored or stacked or concealed near the polls at Stateburg on election-day, 7th November, 1876? If so, state what you were told, and who by, and all you know about it.—A. I heard that arms were stored in a house at Stateburg on the day of the election, 7th November, 1876, by colored republicans, but who informed me I am unable to say. This information was received after the election.

Q. How were the ballots counted at Stateburg at the election 7th November 1876? Describe particularly how it was done. Was each and every name read off from each and every ticket?—A. I was a supervisor at Stateburg. The ballots were first taken out and counted. Where there were more than one ticket folded together of the same kind, all were destroyed save one, and only one counted. The regular straight republican ticket was counted for all the names upon that ticket when it was not scratched—the names not read off from each ticket. The same was done with the regular democratic tickets. The scratched tickets were contested afterward, and each name called off.

Q. From all you saw and heard during the campaign, what, in your judgment, would have been the result of the election in Sumter County had the United States troops not have been introduced into the State and into the county?—A. I think the democratic candidates would have received very many more votes than they did receive.

Q. Give the reason on which you found your judgment?—A. In my opinion the appearance of troops here had the effect of making the colored republicans believe that the United States Government wished them to vote the republican ticket.

Q. Did many or only a few colored voters vote the democratic ticket at Stateburg?—A. Only a few.

Q. Do not the colored people very far outnumber the whites at this precinct?—A. They do.

(Objection here made to so much of the foregoing testimony as is matter of opinion and hearsay, and also to so much as is not in rebuttal.)

Cross-examined:

Q. You say that the morning after the election guns were fired off by negroes at Stateburg. How do you know this?—A. I saw the flash of the guns and heard the report.

Q. Did you see the parties who fired the guns?—A. Did not see the parties.

Q. How did you know that they were negroes?—A. Because I saw the negroes go in the direction of where the firing was; saw them returning therefrom directly afterward.

Q. How far were you off from this firing?—A. About fifty yards.

Q. I believe you have already stated that you saw no exhibition of arms on the part of republicans on the day of election?—A. I said so.

Q. In stating the manner in which the votes were counted, do you mean to say that they were counted correctly; that is, for the persons whose names were on them or otherwise?—A. I believe they were counted correctly.

Q. Were any red democratic tickets used; that is, tickets with the demo-

cratic candidates names thereon, headed "Union republican ticket"?—
A. I think there were; at least there was a ticket used which was a fac-simile of the republican ticket, with the exception of the names.

Q. How was this ticket counted?—A. As a democratic ticket, and the democratic candidates received credit for so many votes.

Q. You speak of more than one ticket being folded together in some instances; was this confined to one party, or was some of both democratic and republican tickets so voted?—A. Some of both parties so voted.

Q. How did the appearance of troops here have the effect of making the colored republicans believe that the United States Government wished them to vote the republican ticket?—A. Before the troops came here I think the colored people were inclined to listen to us, but after the arrival of the troops their behavior changed.

Q. Did the troops interfere to prevent the colored people from listening to you?—A. They did not directly, except through the influence of their presence here.

Q. How did their presence here interfere?—A. I believe that they were told that the troops were sent here for the purpose of keeping up the republican ranks.

Q. Were any troops stationed at Stateburg on the day of the election, 7th November, 1876?—A. There were not.

JNO. H. BURGESS.

Sworn and subscribed to before me this 18th day of April, 1877.

[SEAL.]

GUIGNARD RICHARDSON,
Notary Public.

JAMES C. SPANN sworn.

Question. What is your age?—Answer. About thirty-seven years.

Q. Where did you reside during the late campaign, and where were you on election day, 7th November, 1876?—A. I reside about five miles from Stateburg, and was at Stateburg on the day of the election acting as one of the managers of the election at that box.

Q. Were there any arms at or near the polls at Stateburg on election-day, 7th November, 1876; and if so, where were they, and in whose possession or control?—A. I did not see any arms that day.

Q. Have you ever heard that there were arms stored or stacked or concealed near the polls at Stateburg on election-day, 7th November, 1876? If so, state what you were told, and who by, and all you know about it.—A. I have heard since the election, through a colored man, that there were arms stored in a house at Stateburg on the day of the election. This information was received some time after the election; perhaps two weeks afterward. The morning after the election quite a number of guns were fired off by negroes; could not see by what negroes, as it occurred just about daybreak.

Q. How were the ballots counted at Stateburg at the said election, 7th November, 1876? Describe particularly how it was done. Was each and every name read off from each and every ticket?—A. The names on the unscratched tickets were not read off; all republican candidates receiving credit for so many votes as there were straight tickets, and the same for the democrats. The scratched tickets were called off.

Q. From all you saw and heard during the campaign, what, in your judgment, would have been the result of the election in Sumter County had the United States troops not have been introduced into the State and into the county?—A. In my judgment, the presence of the troops

had the effect of benefiting the republican party; that is, that they were here for the purpose of strengthening the republican party.

Q. Did many, or only a few colored voters vote the democratic ticket at Stateburg?—A. But few colored voters voted the democratic ticket at that box.

Q. Do not the colored people very far outnumber the whites in Stateburg precinct?—A. They do.

(Objection here made to so much of the foregoing testimony as is matter of opinion and hearsay, and also to so much as is not in rebuttal.)

Cross-examined:

Q. How do you know that the guns fired on the morning after the election were fired by negroes?—A. Because there were only negroes in the crowd where the firing took place.

J. C. SPANN.

Sworn and subscribed to before me this 18th April, 1877.

GUIGNARD RICHARDSON,
Notary Public.

STATEBURG, SUMTER, S. C.,
April 19, 1877.

GEORGE DUCKSAINT (colored) sworn.

Question. What is your age, and where did you reside during the late campaign, and where were you on election-day, 7th November, 1876?—Answer. Can't say precisely as to age, but think about thirty years or upwards; resided near Stateburg, in Sumter County. I was at Stateburg on the morning of the election, 7th November, 1876, and after voting, about sunrise, I went to Wedgefield.

Q. Were there any arms at or near the polls at Stateburg on election-day, 7th November last; and if so, where were they, and in whose possession or control?—A. I did not see them.

Q. Have you ever heard that there were arms stored or stacked or concealed near the polls at Stateburg on election-day; and if so, state what you were told, and who by, and all you know about it.—A. Hampton Gardner told me that there were plenty of arms there, but did not say where they were, or who had them. Hampton Gardner is a colored republican. He said if there had been any row kicked up on that day the republicans would very soon have shown plenty of arms.

Q. Did you see any arms at or near the polls at Wedgefield on the day of election? If so, state who had them.—A. Yes; I saw them there in the hands of colored men. They hid them under a store near where the voting was going on.

Q. Was there any intimidation in your precinct by colored men and woman over colored voters who desired to vote or did vote the democratic ticket? If so, state all you know about it?—A. None except against myself. On Sunday night before the election I was at Grove Hill, about five miles from Stateburg. I was talking with Richard Porcher; William Grant was talking to Stephen Gadsden. He, William Grant, said, "Look out; there is a democratic negro here." I replied, "Yes, I am one, and intend to stick to it." I was unarmed. William Grant drew his knife on me, when his uncle stopped him.

Q. Did any one ever threaten you for voting the democratic ticket?—A. Yes.

Q. Who were they, and what did they say?—A. One Jeff Gardner told me if I voted for Hampton they would make up a club and horse-whip me. Jeff Gardner is a colored republican.

Q. Did your wife leave you just before the election? If so, state the reason she gave for so doing.—A. She did leave me just before the election in November last. She said she did so because I sold my principles to the democratic party.

Q. Did or did not your wife say that she had been advised to quit you because you were going to vote the democratic ticket; if so, by whom was she so advised?—A. She said she had been advised by colored republican preachers to quit me if I voted the democratic ticket; that she would be a slave for white women the balance of her days if she staid with me and I voted the democratic ticket.

Q. What was the general opinion among the colored people as to the object of having United States troops here?—A. To protect the republicans.

(This witness objected to, as his name does not appear in the list of witnesses to be examined at Stateburg. Objection also made to all testimony as is matter of opinion and hearsay, and also to so much as is not in rebuttal; also to such questions as are leading.)

Cross-examined:

Q. Who was the man that stopped William Grant from pulling his knife on you?—A. Stephen Gadsden, a colored republican.

Q. You speak about being threatened. Did any one but Jeff Gardner ever threaten you?—A. Yes; seven more one night.

Q. Who were they?—A. Jesse Green and Winter Begnam were in the crowd; but can't say who the others were.

Q. When was this?—A. Just before the election; about two weeks before.

Q. How far were you from this crowd?—A. About sixty or seventy yards.

Q. Dark night or moonlight?—A. The moon was shining.

Q. Where were you, and where were you going?—A. I was at Grove Hill, going to Mr. Nelson's. I hurrahed for Hampton, when the crowd followed me and wanted to know where was the nigger that hurrahed for Hampton. Flander Singleton, a colored republican, stopped them, and said, "If they didn't mind they would get into trouble."

Q. You say your wife quit you just before the election. Had she ever quit you before?—A. No, she had never quit me before. There never was anything wrong between us, except a little cross-questioning; been married six years; never had any children.

Q. In answer to question asked you, you are put down as saying that she was advised to quit you by colored republican preachers. Is that what you said?—A. She was advised by one preacher—Sam Williams.

Q. You state that the general opinion among the colored people was that the troops were here to protect the republicans. How were they to protect them?—A. I couldn't tell how they were to protect them unless the democrats should start a fuss and the troops come in and protect the colored people.

his
GEORGE + DUCKSAINT.
mark.

Sworn to and subscribed to before me this 19th day of April, 1877.

[SEAL.]

GUIGNARD RICHARDSON,

Notary Public.

JOHN W. BUCKNER sworn.

Question. What is your age, and where did you reside during the late campaign, and where were you on election-day, 7th November last?—

Answer. Age, forty-six years; at Stateburg, in Sumter County, S. C., during the campaign and on the day of the election.

Q. Were there any arms at or near the polls at Stateburg on election-day, 7th November, 1876? If so, where were they and in whose possession and control?—A. I know of none.

Q. Did you ever hear of any arms being there?—A. I have heard that there were arms there in a house adjacent to the polls, but can't say from whom I heard it or who had them.

Q. Was there any intimidation in your precinct by colored republicans, men or women, over colored voters who desired to vote or did vote the democratic ticket? If so, state all you know about it.—A. None that I know of.

Q. Did you hear of any threats against yourself or other colored voters by republicans for voting the democratic ticket?—A. Not previous to the election.

Q. From all you saw and heard during the campaign, what, in your judgment, would have been the result of the election in Sumter County had the United States troops not have been introduced into the State and county?—A. Cannot say.

Q. Did many or only a few colored voters vote the democratic ticket at Stateburg?—A. Very few.

Q. Do not the colored voters very far outnumber the whites?—A. Yes.

(Same objections here made as to the testimony of George Ducksaint.)

J. W. BUCKNER.

Sworn and subscribed to before me this 19th day of April, 1877.

GUIGNARD RICHARDSON,
Notary Public.

WILLIAM J. REES (white) sworn.

Question. Where did you reside during the late campaign, and where were you on the day of the election, 7th November, 1876, and where did you vote?—Answer. Near Stateburg, in Sumter County. Was at Stateburg on the day of the election, and voted there.

Q. Do you know anything about republicans having arms stacked or concealed near the polls at Stateburg on the day of election, 7th November, 1876? If so, state what you know or have heard.—A. Have heard that they had them concealed near there, but did not see them myself, nor can I tell who told me that they saw them.

Q. Was there any intimidation in your precinct by colored men and women over colored voters who desired to vote or did vote the democratic ticket? If so, state all you know about it.—A. I heard no threats myself, but was told by several colored men that they were afraid to vote the democratic ticket because they would suffer injury from the colored people.

Q. From all you saw and heard during the campaign, what, in your judgment, would have been the result of the election in Sumter County had the United States troops not have been introduced into the State and into the county?—A. I think that more colored people would have voted the democratic ticket.

Q. What seemed to be the general opinion among the colored people as to the object of the United States troops being here?—A. They seemed to think that they were sent here for their protection.

Q. What do you mean by "for their protection"?—A. That if any difficulty should occur in the State they were here to help the republicans.

Q. It has been testified by one Monday Douglas, a witness for the contestee, that you discharged Jeff Keeth, jr., and Adam Butler from your employment and place because they voted the republican ticket. Is this so?—A. No; neither Jeff Keeth, jr., nor Adam Butler were in my employment at the time of the election; nor have they been for several years. They both rented land from me last year. Adam Butler is still my tenant, and has never left the place. Jeff Keeth left my place last December without my knowing that he intended to do so. I did not turn him off, nor did politics have anything to do with his leaving, as far as I know. He never has told me why he left. I think he wanted to go and work with his father.

(Objection made by contestee to so much of the above testimony as is hearsay, opinion, and is not in rebuttal.)

Cross examined:

Q. You state that had not United States troops been introduced into Sumter County, more colored people would have voted the democratic ticket; why so?—A. I think the colored people had begun to show a disposition to listen to democratic speakers, and come out to their meetings; and, as well as I can recollect, they stopped coming to democratic meetings after the troops arrived. Only those who were members of the democratic clubs came out after the troops came.

Q. You state that if any difficulty should arise, the troops were here to help the republicans; what do you mean by that?—A. I was told by a colored republican that he had been told by his leaders that he would not be allowed to vote, and that the troops were here for the purpose of seeing that they would be allowed to vote.

W. J. REES.

Sworn and subscribed to before me this 19th April, 1877.

GUIGNARD RICHARDSON,
Notary Public.

Evidence at Stateburg here closed.

GUIGNARD RICHARDSON,
Notary Public.

Notice to take testimony in rebuttal.

JOHN S. RICHARDSON, CONTESTANT,	}	Contested election.
<i>against</i>		
JOSEPH H. RAINEY, CONTESTEE.		

SOUTH CAROLINA,
First Congressional District:

To JOSEPH H. RAINEY:

You will take notice that I shall take testimony in rebuttal, before Guignard Richardson, notary public, at Rafting Creek, Sumter County, South Carolina, on the 20th April instant, the testimony to be read and used as evidence in the above-stated cause, and to be adjourned from day to day. I will examine the following-named witnesses, all residents of Sumter County, South Carolina, to wit: J. H. Burgess, W. H. Burgess, R. M. Lenoir, George Cato, Garbert Weinges, Hugh Oxendine, Paul Brown, J. C. Spann, Willie Reese, Mario Sanders, O. M. Crane, P. T. Caraway, T. P. Sanders, J. L. Yates, Wm. Watts, W. B. Murray, Wal-

lace Sanders, Thos. Handcock, Jake McLeod, Robert Hickson, Joe Cook, J. H. McLeod, E. J. Rembert, Manigault James, Fayette Smith, Thos. D. McLeod, Jas. M. Jennings, Joshua Myers, J. F. Ballard, J. S. Folk, Polete A. Sanders, G. W. Brown, T. B. Jackson, Cyrus Skinner, Dr. Richard Reynolds, H. E. L. Peobles.

April 13th, 1877.

J. S. RICHARDSON.

STATE OF SOUTH CAROLINA,
Darlington County:

Personally appeared before me, Calvin Josey, sheriff's deputy for the above county, who on oath says that he served the within notice personally, upon D. D. McColl, the attorney for Joseph H. Rainey, in the within stated case, by leaving with him a copy of the same, at Darlington Court-House, in said county, on the 13th day of April instant.

CALVIN JOSEY.

Sworn before me this 14th day of April, 1877.

J. J. WARD,
Notary Public.

TESTIMONY IN REBUTTAL AT RAFTING CREEK, S. C.

JOHN S. RICHARDSON, CONTESTANT, }
against } Contested election.
JOSEPH H. RAINEY, CONTESTEE. }

SOUTH CAROLINA,
First Congressional District :

RAFTING CREEK, SUMTER COUNTY, S. C.,
April 20th, 1877.

THOMAS P. SANDERS sworn.

Question. What's your age, and where did you reside during the last campaign, and where were you on election-day, 7th November, 1876?—

Answer. My age is thirty-two years; resided, during the last campaign, in Rafting Creek precinct, Sumter County, South Carolina; and was at the polls in said Rafting Creek precinct, on the day of the election, 7th November last, and remained at the polls from 6 o'clock a. m. until 9 or 10 o'clock p. m.

Q. How many holes or openings were there in the ballot-box used at Rafting Creek precinct?—A. Two.

Q. What size were the holes?—A. About two inches long and a half inch wide, to the best of my judgment.

Q. Were either of the holes closed or stopped up?—A. No, neither of them.

Q. Was the ballot-box, during the election, at any time under the care of less than two of the managers? If so, state who then, or during such time, had charge of the ballot-box.—A. The ballot-box, at one time during the day was left in charge of one person, Martin Kendrick, who was not a manager; at least I think it was in charge of Martin Kendrick. I am certain that all the managers were absent above half an hour, at least long enough for them to eat dinner; this was about 12 o'clock mid-day. Martin Kendrick is a colored republican.

Q. Were there any arms brought to or stacked near the polls at Rafting Creek on election-day, 7th November last? If there were, state who brought them there, or in whose possession they were?—A. I saw a body of colored republicans marching in military style toward the polls,

but am unable to say whether they had guns or not; have been repeatedly told that they had guns and stacked them near the polls and placed a guard over them.

Q. Cyrus Skinner and Henderson Reynolds have testified in their testimony for the contestee that there were no arms at or near the polls. Were they in a situation to see or know?—A. They were not in a situation to know whether there were any guns there or not, as they were in the same room with myself during the day except during the half hour, about mid-day, that we left to get something to eat.

Q. Cyrus Skinner says in his testimony that you, T. P. Sanders, told him he need not stop the hole in the box, and that a piece of paper stuffed in would do just as well. Is this so?—A. It is not so. There were two holes in the ballot-box, and I objected to their being there, but nothing was done about it, and both holes remained open during the entire day.

Q. Was there any interruption to the holding open the polls, or any adjournment of the polls, during the day; if so, when and how long?—A. There was an adjournment of about half an hour at about 12 o'clock m. The polls did not open until about 7 o'clock a. m. and closed at about 6 p. m. There was no other interruption or adjournment except for the half hour at 12 m., as stated above.

Q. Who acted as clerk of the board of managers, and who kept the poll-list? Was he or they sworn as clerk?—A. Marion Sanders acted as clerk and kept one poll-list; he was not sworn as such clerk. I think another list was kept by one Henderson Reynolds, one of the managers, a colored republican. I was also one of the managers at that (Rafting Creek) box.

Q. Cyrus Skinner says, in his testimony for the contestee, that there were in one instance two tickets folded together, one being a republican ticket and one a democratic ticket, and that you, T. P. Sanders, made them tear up the republican ticket. Is this so; or was it decided by lot which ticket should be destroyed?—A. It is not so. There were at one time two tickets found both together, one a republican and one a democratic, but my impression is that neither of them was counted. I did not make them destroy the republican ticket.

Q. Cyrus Skinner says that you, Mr. T. P. Sanders, proposed to the other two managers to place the slips containing J. S. Richardson's name over the name of J. H. Rainey on the republican ticket, and to let the colored people vote it without knowing for whom they voted. Is this so?—A. It is not so.

Q. Cyrus Skinner and Henderson Reynolds say that in counting the tickets every name was read off, and each vote scored for the candidate as his name was read out. Is this the way the ballots were counted at your precinct?—A. It was not. The names of candidates were not read out, except the candidates for governor. When a ticket was picked up headed Chamberlain for governor, no other names on that ticket were read, but each candidate on the republican ticket was scored for one vote. The same was done when a ticket was picked up headed Hampton for governor; each democratic candidate then was credited for one vote. There was but one scratched ticket, that I recollect, and we did not read the names on that ticket; we merely took a note of the name that was scratched off.

Q. Cyrus Skinner says that F. Dick, Daniel Dick, and Alexander Dick were prevented from voting for fear of the democrats. Is this so?—A. No one was prevented from voting at Rafting Creek precinct that I know of or heard of.

Q. Do you know if there were any threats used or intimidation brought to bear on colored voters who desired to vote the democratic ticket? If so, state all you know about this.—A. I know of one colored man who told me he wanted to vote the democratic ticket, but was afraid to do so on account of threats made against him by colored republicans. There were a great many others that I heard of, but they did not come under my own personal knowledge.

Q. Did you see Zachariah Walker at the Rafting Creek polls on the day of said election? If so, where did he keep himself most of said time? Was he at or in sight of the ballot-box most of the time, or was he out of the house in which the polls were held, and engaged in electioneering for the republican ticket or candidates?—A. I saw Zachariah Walker at the Rafting Creek polls on the day of the election, and he remained most of the time near the polls electioneering for republican candidates, and dictating or attempting to dictate who should vote, and otherwise interfering with the election and making himself generally officious.

(Exception made to so much of above testimony as is hearsay, opinion, and not in rebuttal.)

Cross-examined:

Q. What do you mean by saying that Zachariah Walker was dictating or attempting to dictate or otherwise interfering with those attempting to vote?—A. He was challenging voters and trying to influence the managers to allow certain persons to vote the republican ticket.

S. P. SANDERS.

Sworn and subscribed to before me this 20th day of April, 1877.

[SEAL.]

GUIGNARD RICHARDSON,
Notary Public.

Examination here adjourned until 21st instant.

RAFTING CREEK, SUMTER COUNTY, S. C.,
April 21, 1876.

POLETTE A. SANDERS sworn.

Question. What is your age, and where did you reside during the last campaign, and where were you on election-day, 7th November, 1876?—Answer. My age is thirty-six years; resided in Rafting Creek precinct during last campaign, and was at the Rafting Creek polls during a portion of the day of the election, 7th of November, 1876.

Q. Were there any arms brought to or near the polls, or stored, stacked, or concealed at or near the polls at Rafting Creek? If so, state who brought the arms there, in whose control or possession they were. State all you know about the arms.—A. I saw one Wallace Alston, a colored republican, with a gun at Rafting Creek polls on the day of the election, 7th November, 1877; and have been told by republicans that they had a great many guns stacked in an old field near the polls; but I did not see them.

Q. Was there any interruption to the holding open the polls or any adjournment of the polls during the day; if so when and how long?—A. At about 12 o'clock m., the managers adjourned for dinner, were absent half an hour or thereabouts. That is the only adjournment that I know of.

Q. Do you know if there were any threats used or intimidation brought to bear on colored voters who desired to vote the democratic ticket? If so, state all you know about this.—A. There were three

colored men on my place who told me that morning of the election that they intended voting the democratic ticket; two of them said they were frightened into voting the republican ticket by threats made against them and their families by colored republicans.

(Objection made by contestee to so much of above testimony as is hearsay, opinion, or not in rebuttal.)

Cross-examination waived.

P. A. SANDERS.

Sworn to and subscribed before me this 21st day of April, 1877.

[SEAL.]

GUIGNARD RICHARDSON.

Notary Public.

MANIGAULT JAMES sworn.

Question. What is your age, and where did you reside during the last campaign, and where were you on the day of the election 7th November, 1876?—Answer. Am twenty-nine years of age. Resided during the last campaign at Rafting Creek precinct, Sumter County, South Carolina, and was at Rafting Creek precinct polls on election-day, 7th November, 1876, from the time they opened until they were closed.

Q. How many holes or openings were there in the ballot-box used at Rafting Creek precinct, and what size were the holes; were either of the holes closed or stopped up?—A. There were two holes in the ballot-box. Cannot say whether they were unusually large or not, as I don't know what size they ought to be. Don't know if either of the holes were stopped up.

Q. Cyrus Skinner and Henderson Reynolds testified in their testimony for the contestee that there were no arms at or near the polls; were they in a situation to see or know?—A. They were not. Cyrus Skinner was a manager; I don't know what Henderson Reynolds had to do with it; they were both in the house where the polls were held.

Q. Was there any interruption to the holding open the polls, or any adjournment of the polls during the day; if so, when and how long?—A. There was an adjournment about mid-day for about half an hour.

Q. Did you see Zack Walker at Rafting Creek polls on the day of the election; if so, where did he keep himself most of the time; was he at or in sight of the ballot-box most of the time, or was he out of the house in which the polls were held, and engaged in electioneering for the republican ticket or candidates?—A. I saw him at the polls going around among the colored people with republican tickets, giving them to them. This was sometimes in the house and sometimes out.

(Same objections made to above testimony as to that of Polette A. Sanders, and also to so much as is leading.)

Cross-examined:

Q. You spoke of an interruption or adjournment of the polls for about half an hour. Do you know of any one who was prevented from voting by such interruption?—A. I know of none, but was told by one man that he did not vote.

J. M. JAMES.

Sworn and subscribed to before me this 21st day of April, 1877.

[SEAL.]

GUIGNARD RICHARDSON,

Notary Public.

THOMAS HANDCOCK sworn.

Question. What is your age? Where did you reside during the last campaign, and where were you on election-day, 7th November, 1876?—A. I am about seventy-seven years of age. Resided in Rafting Creek

precinct during the last campaign, and was at Rafting Creek precinct polls on the day of the election, 7th November, 1876, long enough to vote.

Q. Were there any arms brought to or near the polls, or stored, stacked, or concealed at or near the polls at Rafting Creek on election-day?—A. I saw but one man with a gun there on that day. He had it in a wagon, and concealed it as soon as I came up to him. It was a colored republican.

Q. Do you know if there were any threats used or intimidation brought to bear on colored voters who desired to vote the democratic ticket?—A. I do not. I don't know what intimidation means.

THOMAS HANDCOCK.

Sworn and subscribed to before me this 21st April, 1877.

[SEAL.]

GUIGNARD RICHARDSON,
Notary Public.

Dr. E. J. REMBERT sworn.

Question. What is your age? Where did you reside during the last campaign, and where were you on election-day, 7th November last?—

Answer. I am about forty-seven years of age; reside in Rafting Creek Township, Sumter County, South Carolina, and was at Rafting Creek Township polls on day of said election, from the time the polls opened until after the votes were counted.

Q. How many holes or openings were there in the ballot-box used at Rafting Creek, and what size were the holes; were either of the holes closed or stopped up?—A. There were two holes in the box; must have been from an eighth to a quarter of an inch in width and three-quarters to an inch in length; neither hole was closed that I saw at any time.

Q. Was the ballot-box during the election at any time under the care and guard of less than two of the managers; if so, state who there, or during such time, had the ballot-box in charge?—A. I think that the ballot-box was left at one or two different times in charge of but one manager, but I cannot state with whom it was left.

Q. Cyrus Skinner and Harrison Reynolds testified in their testimony for the contestee that there were no arms at or near the polls at Rafting Creek; were they in a situation to see or know?—A. They were not. Cyrus Skinner was a manager, and Harrison Reynolds may have been, he kept a list of voters; their positions kept them confined around the box.

Q. Who acted as clerk of the board of managers, and who kept the poll-list, and was he or they sworn?—A. Marion Sanders acted as clerk a portion of the time; he kept a list, and after he left Mr. Jennings kept it; I think there were three other lists kept; don't know if he (Marion Sanders) was sworn, as the polls were open when I got there.

Q. Cyrus Skinner and Henderson Reynolds say that in counting the ballots every name on every ticket was read off and each vote scored for the candidate as his name was read out; is this so? If not, state how the ballots were counted.—A. It is not the way they were counted. The only names called were Hampton or Chamberlain. All tickets headed with Chamberlain's name were counted for each republican candidate, without reading the names off; the same was done with the tickets headed with Hampton's name.

Q. Cyrus Skinner says that F. Deck, Daniel Deck, and Alec. Deck were prevented from voting through fear of the democrats; is this so? State anything you know about their voting.—A. I know nothing about

it. I know of no such persons residing in this precinct, and am familiar with the names of most of its citizens.

Q. Do you know if there were any threats used or intimidations brought to bear on colored voters who desired to vote the democratic ticket? If so, state all you know about it.—A. That question I have already answered in a previous examination.

Q. Did you see Zack Walker at the Rafting Creek polls on the day of said election; if so, where did he keep himself most of the time? Was he at or in sight of the ballot-box most of the time, or was he out of the house in which the polls were held, and engaged in electioneering for the republican ticket or candidates?—A. I saw him upon the mill-dam, actively engaged in distributing republican tickets and electioneering; this was near the house in which the polls were kept.

Cross-examined:

Q. Who administered the oath to the managers, voters, clerks, &c.?—A. Not being present at the opening of the box, I am unable to say who swore the managers or clerks. As to the voters, Mr. Marion Sanders swore them in the morning, and Mr. T. P. Sanders swore them in the afternoon.

E. J. REMBERT.

Sworn and subscribed to before me this 21st day of April, 1877.

[SEAL.]

GUIGNARD RICHARDSON,

Notary Public.

GEORGE OSBURN (colored) sworn.

Question. What is your age? Where did you reside during the last campaign, and where were you on election-day, 7th November, 1876?—

Answer. I am about sixty-six years of age; resided in Rafting Creek precinct, Sumter County, South Carolina, during last campaign, and was at the Rafting Creek precinct polls on day of said election.

Q. Did you see any arms at or near the polls at Rafting Creek on said election-day?—A. I did not see any arms at the polls, but I came along behind the people who had the arms, and they stacked the arms before they got to the polls.

Q. Who had these arms?—A. As for the names of the people who had them I am unable to call them, but they came from Mr. De-Saussure's plantation.

Q. Were the persons who had these arms white or colored?—A. Colored people.

Q. How many of them were they?—A. I am unable to tell how many, but from their looks I think there were about twenty-five or thirty.

Q. How far from the polls did these people stack these guns?—A. As near as I can guess, about one hundred yards.

Q. Were the men who had these guns republicans or democrats?—A. I am unable to tell what they were, but I believe the most of them were republicans.

Q. Did many colored people in Rafting Creek precinct vote the democratic ticket?—A. I believe a good many, first and last, about in places.

Q. Did you ever hear of any threats being made against colored people who wanted to vote the democratic ticket at the last election, November, 1876?—A. I heard of threats enough made through the settlement, but can't call any one's name.

Q. What did they threaten to do?—A. I heard great report that if they join the democrats they would whip them.

Q. Who would whip them?—A. One to another allowed they would do it.

Q. Were they colored people making these threats?—A. I suppose they was.

Q. Who were these people that were to be whipped if they joined the democrats; were they white or colored?—A. Any one who joined the democrats.

Q. Did you ever hear any whites being threatened with being whipped if they joined the democrats?—A. No.

Q. Did you ever hear of any threats against yourself for voting the democratic ticket?—A. No.

Q. Did you ever hear any colored people say they were afraid to vote the democratic ticket on account of these threats?—A. I never heard them say so.

(Objection made to this witness, on the ground that no notice has been given that he would be examined. Also objection made to all hearsay, opinion, and testimony not in rebuttal. Further objection made to all leading questions asked and not written down.)

Cross-examined:

Q. You say that you did not see any arms at the polls, but that you came along behind the people who had the arms; what do you mean by that?—A. I mean that I came along behind the people who had the arms, and that they did not carry them to the house where the polls were; they stacked them before they got there.

Q. How far was this from this place?—A. As near as I can come at it, about a hundred yards.

Q. Where were you?—A. I was going along to the polls myself.

Q. For what purpose?—A. To vote.

Q. Did you vote?—A. Yes; I did.

Q. How did you vote?—A. I voted Hampton's ticket.

Q. Did any one interfere with you?—A. No.

Q. Did you see any other arms besides those you have spoken about?—A. None at all.

Q. How many people were armed?—A. I can't say how many; about twenty-five or thirty, as near as I can come at it.

Q. In answer to the last question I asked you, you are represented as saying, "I can't say how many, about twenty-five or thirty;" is that what you said?—A. Yes.

Re-examined:

Q. You say that you voted Hampton's ticket. Did you vote it open or folded up?—A. Folded up.

Q. Did you intend to conceal from the by-standers the kind of ticket you were voting?—A. Yes, sir.

Q. Was that the reason why you voted it closed or folded?—A. Yes.

Q. You say no one interfered with you. Did you or did you not fear interference if you voted a democratic ticket openly?—A. I didn't have any consideration about it.

(Same objections made as before.)

his
GEORGE + OSBURN.
mark.

Sworn and subscribed to before me this 21st of April A. D. 1877.

[SEAL.]

GUIGNARD RICHARDSON,
Notary Public.

MARION SANDERS (white) sworn.

Question. What is your age, and where do you reside?—Answer. I am thirty-three years of age, and reside in Rafting Creek precinct, Sumter County, South Carolina.

Q. Where were you on election-day, 7th of November, 1876?—A. I was at the voting-precinct at Rafting Creek from 6 o'clock a. m. until 1 o'clock p. m.

Q. In what capacity did you act at said election?—A. I acted as clerk of the board of managers at Rafting Creek precinct.

Q. Were you sworn as said clerk?—A. I was not.

Q. You say that you were at Rafting Creek voting precinct from 6 o'clock a. m. until 1 o'clock p. m. on election-day. Please state where you were during the remainder of that day.—A. I left the polls at 1 o'clock in consequence of sickness in my family, remained at home one hour, then returned to the polls and remained there until 5 o'clock in the afternoon or thereabouts.

Q. How many holes or openings were there in the ballot-box used at Rafting Creek, and what size were the holes; were either of the holes closed or stopped up?—A. I saw two holes in the ballot-box. They were ordinary holes. Neither was stopped while I was there, nor did I hear any one call the attention of the managers the fact that they were open. Cyrus Skinner, one of the managers, kept his hands over the holes until Mr. T. P. Sanders called his attention to it.

Q. Was the ballot-box during the election at any time under the care and guard of less than two of the managers; if so, state who then or during such time had the ballot-box in charge?—A. I saw, on one occasion, about noon all of the managers out of the house where the box was kept. The ballot-box was left in the house in charge of one Martin Kendrick, a colored republican.

Q. Was Martin Kendrick acting in any official capacity at that election?—A. He was appointed by Cyrus Skinner to keep order, and to challenge colored voters.

Q. Were there any arms brought to or near the polls, or stored, stacked, or concealed at or near the polls at Rafting Creek on said election day?—A. I saw some arms near the polls.

Q. In whose possession or control were these arms and what kind of arms were they?—A. I don't know in whose control they were. I saw several old muskets and some double-barreled shot-guns.

Q. Where were these guns when you saw them? State all you know about them.—A. They were in an old field about one hundred yards from the house where the polls were held.

Q. Do you know how those guns got there?—A. I did not see any one carry them there.

Q. Did you see any one standing near where those guns were? If so, state who they were.—A. I saw several colored men standing at a fire near the guns. Harrison Simmons, a colored man, was one of them, but whether he was the owner of one of the guns I am unable to say.

Q. Did these colored men appear to have control of these guns?—A. They were standing adjacent to them, and I presume that they had control of them, although I do not know it.

Q. Cyrus Skinner and Henderson Reynolds testified in their testimony for the contestee that there were no arms at or near the polls; were they in a situation to see or know?—A. I don't think they were; not if they did their duty as managers.

Q. Was there any interruption to the holding open the polls, or any adjournment of the polls during the day; if so, when and how long?—

A. There was an adjournment about noon, all the managers leaving—two of them remained out about half an hour; the other (Cyrus Skinner) did not remain over about ten minutes.

Q. Cyrus Skinner says that F. Dick, Daniel Dick, and Abe Dick were prevented from voting through fear of the democrats; state anything you know about their voting.—A. I know of no such persons in Rafting-Creek Township. I have taken the school census in the precinct, and know no such persons. I know of no person being prevented from voting by either democrats or republicans.

Q. Do you know if there were any threats used or intimidation brought to bear on colored voters who desired to vote the democratic ticket; if so, state all you know about it?—A. One colored man Peter Hunter told me that he wanted to vote the democratic ticket but was afraid to do so. Rev. Manning Hunter, colored, said it was his intention to have voted the democratic ticket, but knew it would offend the members of his church, and that he voted for Hayes, Chamberlain, and Walker to conciliate those people—those were the only ones that he voted for. Neslon Douglas informed me that he was threatened by his brother-in-law, one Scipio Chapman, that he would be whipped, or ought to be whipped, for voting the democratic ticket.

(Same objection here made as before.)

Cross-examined :

Q. Have you ever held an office in this State; if so, what office?—A. I have been a trial-justice for Sumter County; was appointed in August, 1873, and held until November 15, 1876, when I resigned.

Q. Are you making any effort to be reappointed to that office?—A. I am.

Q. Did you not state, in your direct examination, that Martin Kendrick was at the polls for the purpose of challenging colored republicans, or words to that effect?—A. I said nothing about colored republicans; I said colored voters.

Q. Were not the terms "colored republicans" and "colored voters" synonymous?—A. I do not so consider it.

MARION SANDERS.

Sworn and subscribed to before me this 21st day of April, 1877.

[SEAL.]

GUIGNARD RICHARDSON,
Notary Public.

UNITED STATES OF AMERICA,

State of South Carolina, First Congressional District:

JOHN S. RICHARDSON, CONTESTANT,	}	Contested Congressional election.
<i>against</i>		
JOSEPH H. RAINEY, CONTESTEE.		

I, Guignard Richardson, notary public in and for the State of South Carolina, do hereby certify that the foregoing thirty-seven pages of testimony were taken before me, as notary public, at Stateburg and Rafting Creek, in the county of Sumter, on the behalf of the contestant, in accordance with the notices hereunto attached, to wit: sixteen pages, numbered 1 to 16, taken at Stateburg on the 18th and 19th April, 1877, and twenty-one pages, numbered 17 to 37, taken at Rafting Creek on the 20th and 21st April, 1877; that the witnesses came before me then and there, and were duly sworn and examined; that the questions propounded and answers given were written down in presence of said witnesses respectively, and also in presence of counsel for contestee, and,

after being so written down, was attested by such witnesses, as required by law.

Given under my hand and seal of office, at Sumter, in the county and State aforesaid, this 4th day of June, A. D. 1877.

[SEAL.]

GUIGNARD RICHARDSON,

Notary Public.

No. 21.

SOUTH CAROLINA,

First Congressional District :

Notice to take testimony in rebuttal.

JOHN S. RICHARDSON, CONTESTANT,

against

JOSEPH H. RAINEY, CONTESTEE.

} Contested election.

JOSEPH H. RAINEY :

You will take notice that I shall take testimony in rebuttal before C. H. Moise, notary public, on the 18th April, instant, at Mayesville, Sumter County, South Carolina; the testimony to be read and used as evidence in the above-stated cause, and to be adjourned from day to day. I will examine the following-named witnesses, all residents of Sumter County, South Carolina, to wit: Isaac Bradley, Robert Lowry, William E. Mills, F. J. Mayes, J. A. Mayes, H. H. Wilson, J. A. Mills, J. Harvey Wilson, J. H. Cooper, S. Willie Wilson, Jas. McKinney.

April 13, 1877.

J. S. RICHARDSON.

STATE OF SOUTH CAROLINA,

Darlington County :

Personally appears Calvin Josey, sheriff's deputy for the above county, who, on oath, says that he served the within notice personally upon D. D. McColl, the attorney for Joseph H. Rainey in the within-stated case, by leaving with him a copy of the same at Darlington Court-House, in said county, on the 13th day of April instant.

CALVIN JOSEY.

Sworn before me this 14th day of April, 1877.

[SEAL.]

J. J. WARD,

Notary Public.

TESTIMONY IN REBUTTAL AT MAYESVILLE, S. C.

JOHN S. RICHARDSON, CONTESTANT,

against

JOSEPH H. RAINEY, CONTESTEE.

} Contested election.

SOUTH CAROLINA,

First Congressional District :

MAYESVILLE, SUMTER COUNTY, S. C.,

April 18, 1877.

J. A. MAYES sworn :

Question. What is your age?—Answer. Nearly 55.

Q. In what county and township do you reside?—A. Sumter County, Mayesville Township.

Q. Were you in that county and township during the last political campaign?—A. Was in the county the whole time; in the township all

the time, except a few days; was also absent from the county 4th, 5th, and 6th October.

Q. Did you hear Capt. J. S. Richardson speak during that time?—A. Yes; early in the campaign.

Q. Did he speak here more than once?—A. I was in a position to know when all speeches were made. Remember J. S. Richardson speaking but once. I was president of democratic club of this place and attended all the meetings.

Q. Henry Wilson and J. C. Wilson testify, in their direct examination for Mr. Rainey, contestee, that J. S. Richardson advocated, in his speech at Mayesville, the policy of force, and said "the white people would make the colored people vote their way." Did Capt. J. S. Richardson pursue that line in his speech?—A. He did not. Captain Richardson described the maladministration of the republican party; he also described the promises of republicans and their failure; that democrats now had determined to put out candidates, and argued that the colored people ought, as reasonable voters, join the democrats. No threats of force were made, but the whole tenor of his speech was exactly contrary to such an idea.

Q. Where were you on 7th November?—A. At daylight, at Johnson's store, where I voted; balance of day I was at Mayesville.

Q. Did all who desired to vote vote at Johnson's store?—A. No difficulty occurred there about voting up to the time I left.

Q. Were any United States troops in this county during the campaign?—A. I did not see any.

Q. Was it generally rumored and believed that United States troops were in the county, and what point?

(Objected to by contestee.)

A. Yes. Sumter Court-House.

Q. From your personal observation, what effect did the presence of United States troops have in the county, upon the voters?—A. Not being in the part of the county where troops were stationed, I know nothing of my own personal observation.

Q. What is your opinion as to the effect upon the colored voters of the belief that United States troops were in the county?

(Objected to.)

A. Think it caused a large portion of republican voters to think that United States troops were brought here for the purpose of compelling the republican voters to vote against the democrats. This was and still is my opinion.

Q. Mr. J. Clem Wilson testified in his direct examination for contestee that the proscription policy was adopted by the Mayesville democratic club. Do you know this to be false?—A. I know it to be false; I was president of that club.

(Objection made.)

Q. Do you know of your own knowledge whether the statement as above made was true or false?—A. I know it to be false.

Q. Was such a resolution proposed?—A. Such a pledge was read to the club. It was referred to a committee, who never reported, and no action was taken. The pledge came from the Sumter County democratic club; report of committee was never called for.

Q. Did you hear other speeches during the campaign by other candidates?—A. Yes, several.

Q. What was the general tenor of the speeches?—A. Persuasion,

argument addressed to the understanding of the voters. Never heard the first intimation of force.

Q. What was the general tenor of the campaign on the democratic side?—A. Argument, persuasion; no force threatened.

Cross-examined:

(Objection made that the notary has no official seal.)

Q. When did Captain Richardson speak; before or after his nomination?—A. Don't know.

Q. How often did he speak?—A. Only remember once; cannot say positively that he did not speak again.

Q. Can you say of your own knowledge that Capt. J. S. Richardson never advocated force?—A. No; I can only speak of the speech I heard him make.

Q. Upon what do you base the opinion as to the effect of the presence of the United States troops upon the republican voters?—A. Upon what I read in the newspapers, not from my personal observation. Did not see any United States soldiers stationed during the campaign.

Q. Did you see any effect of it here?—A. No.

Q. What was the character of the pledge sent to the Mayesville club?—A. Refusal to employ any person who should vote the republican ticket was the purport of it.

Q. Do you know whether the pledge was adopted by the Sumter County democratic club?—A. Do not know.

Q. What was the object of having troops stationed at Sumter?—A. Suppose it was to preserve order.

(Objected to by contestant.)

Q. Was the proscription policy adopted in this community?—A. No; not practically adopted.

Q. Do you know whether any individuals carried out the proscription policy?—A. Think not. The colored voters who voted the republican ticket are still on the same farms. I have often employed republicans as intendant of the town.

Q. What was the condition of this section during the political campaign?—A. Peaceful. Great deal of excitement, but no disturbances of the peace more than at ordinary times.

Q. Do you know, of your own knowledge, whether the presence of United States troops in Sumter County had the effect of forcing the colored voters to vote the republican ticket?—A. No; not of my own knowledge.

Q. Did the presence of United States troops in Sumter County tend to injure Capt. J. S. Richardson as a candidate for Congress at Mayesville?

(Objection by contestant.)

A. Can't say it did, of my own knowledge.

Q. Was the *preference* policy adopted by Mayesville club?—A. No; not as a club; the matter was left to individual action.

Q. Was the matter presented to the club?—A. No.

Redirect in reply:

Q. Are republicans employed in this section as usual?—A. They are.

Q. Do you believe that the presence of United States troops had a bull-doing effect upon the republican voters?

(Objection by contestee.)

A. Yes; I think it did.

Q. The alleged reason of Governor Chamberlain, in his proclamation calling for troops, do you believe to be the real reason?

(Objection by contestee.)

A. I do not.

Q. What was, in your opinion, the real object?

(Objection by contestee.)

A. I think the real object was to keep the republican voters in line, and to prevent them from voting the democratic ticket.

Q. Was or was it not done to bull-doze colored voters?—A. That was my impression. Governor Chamberlain, seeing that the democrats were thoroughly organized, had troops brought into the State to counteract that.

J. A. MAYES.

Sworn to and subscribed before me this 18th April, 1877.

[SEAL.]

CHAS. H. MOISE,
Notary Public.

• S. W. WILSON sworn.

Question. What is your age?—Answer. Will be 27, 1st May next.

Q. In what county did you reside during the late campaign?—A. Sumter County, Mayesville Township.

Q. Were you here most of the time?—A. Was here generally; occasionally absent for a day or two.

Q. Did you hear many speeches from democratic candidates?—A. Two or three.

Q. Did you hear many by representative men of the democrats?—A. Yes, a good many.

Q. What was the tenor of the speakers; did they or did they not advocate the use of force to procure democratic votes from those who formerly voted the republican ticket?—A. They did not.

Q. What was the tenor of those speeches?—A. It was to enlighten the voters; to show them that they had been misled by the republicans.

Q. Did you hear Capt. J. S. Richardson speak?—A. Heard the greater part of his speech on the platform at Mayesville depot.

Q. What was the tenor of that speech?—A. He advocated reform; showed how the expenditures had been made, had been improperly made. He attempted to show them the advantages of joining the democratic party.

Q. Did you hear him say that the white people would make the colored people vote their way?—A. I did not.

Q. Was not the whole character of his speech tending to discourage the use of force by the whites?

(Objection by contestee.)

A. It did; his idea was to bring about a friendly feeling between the then opposing parties.

Q. Did Captain Richardson make more than one speech at Mayesville?—A. I only heard one; if he had made more than one I think I would have known it.

Q. Where were you on the day of the election?—A. At the polls and in my store, (near the polls,) the whole day.

Q. Did every person who desired to vote have the opportunity of doing so unmolested?—A. They did.

Q. Was the box here opened at 6 a. m.?—A. Not by my watch.

Q. Is your watch usually accurate?—A. Yes, it is.

Q. Do you know why the box was not open at 6 a. m.?—A. Because two of the managers and the box were not there at 6.

Q. In your judgment, did the introduction of United States troops affect the election in this county?—A. I had not thought about it, and prefer not to give an opinion.

Q. Are you a member of the Mayesville democratic club?—A. I am.

Q. Was the proscription policy adopted by the democratic club?—A. It was not.

Q. J. Clem Wilson says it was; is his statement true?—A. It is not.

Cross-examined:

Q. Who were the representative men whom you heard speak, were they candidates?—A. Some were candidates and some were not.

Q. Did you hear any of the speakers tell the republican voters that if they voted the republican ticket they would be deprived of employment?—A. No, I did not.

Q. Did you hear all of Captain Richardson's speech?—A. I was called to my store for 10 or 15 minutes.

Q. Do you or do you not know of your own personal knowledge if Captain Richardson advocated proscription in his speech at Mayesville?—A. I know that he did not while I was present.

Q. Were you here at opening of polls on 7th November?—A. I was.

Q. Do you know if the polls were open at 6 o'clock?—A. Not by my watch.

Q. Do you know by whose watch the polls were opened?—A. No.

Q. Were they governed by your time-piece in opening the polls?—A. No.

S. W. WILSON.

Sworn and subscribed before me this 18th April, 1877.

[SEAL.]

CHAS. H. MOISE,
Notary Public.

J. HARRINGTON COOPER sworn.

Question. What is your age?—Answer. Forty-six.

Q. Where did you reside during the late campaign?—A. In Sumter County, Mayesville Township.

Q. Did you hear Capt. J. S. Richardson speak at Mayesville?—A. No.

Q. Did you hear other speakers, candidates and representative men?—A. Yes, quite a number.

Q. Did you hear these speakers advocate force to bring democratic votes?—A. No, I did not.

Q. What was the tenor of the speeches?—A. They were intended to convince the colored voters by fair argument. No force was advocated.

Q. Are you a reader of the two journals published in this county?—A. Yes, I take one and frequently see the other.

Q. Did either of those papers advocate the use of force or fraud or violence?—A. They did not.

Q. Are they both democratic papers?—A. Yes.

Q. Have not these journals uniformly opposed the use of force?

(Objection by contestee.)

A. Yes, they have.

Q. In your answer you refer to the Watchman as conducted by the present proprietors?—A. Yes.

Q. Do you know of any intimidation or threats by colored republicans against colored democrats?—A. Not of my own knowledge.

Q. Have you not reason to believe that there was wide-spread intimidation?—A. I believe that there was. I was told (objection by contestee) by a colored man that he would vote the democratic ticket, but feared that the colored people would double-team on him and beat him to death.

Q. Were there other evidences satisfactory to your mind?—A. There were.

Q. Do you know if any United States troops were introduced into this county during the election?—A. Yes; saw them at Sumter.

Q. Where were they stationed?—A. At Sumter Court-House.

Q. Is that one of the largest voting-precincts in the county?—A. It is.

Q. What is your opinion of the effect upon the colored voters of the introduction of United States troops into the county during the campaign?

(Objection by contestee.)

A. I think hundreds voted the republican ticket who would have voted the democratic ticket, or would not have voted at all.

Q. Have you any idea that the county could have been carried by the republicans without the use of United States troops?—A. My opinion is it would have gone democratic.

Q. Why do you say so?—A. I judge from what has been told me by colored men. At least two of them have told me that the troops were sent here to compel the colored people to vote the republican ticket.

Q. Are you a member of the Mayesville democratic club?—A. I am.

Q. J. Clem Wilson testified in his direct examination by the contestee that the proscription policy was adopted by that club. Is that statement true or false?—A. It is positively false.

Q. Where were you on the day of the election?—A. At Johnson's store, a United States supervisor at that poll.

Q. State the manner of ascertaining the result of the voting at that poll.—A. Box was opened and the tickets placed in three separate piles. The republican tickets were printed in red ink; they were placed in one pile. The democratic tickets, printed in black ink, in another pile, and the scratched tickets in the third pile.

Q. Was each and every name read off from each and every ticket?—A. No. All the red tickets were counted for the republican candidates, and the black tickets for the democratic candidates.

Q. At what hour were the polls opened?—A. About 6 o'clock.

Q. After the polls closed, did the managers proceed immediately to count the votes?—A. No; I think there was an interval of at least twenty or thirty minutes.

Q. In whose charge was the ballot-box at that time?—A. Myself and several others.

Q. Was it at any time exclusively in charge of the republican managers?—A. No.

Q. Who acted as clerk of the board of managers?—A. Hampton Cain.

Q. Was he sworn as clerk?—A. No.

Q. Has the proscription policy been practically enforced in this section?—A. No; it has not.

Q. Are republicans employed as usual?—A. Yes; all that I employ are republicans.

Cross-examined:

Q. What evidences of intimidation did you allude to?—A. What I had been told by colored men living on my place.

Q. Upon what do you base your opinion as to effect of troops on republican voters?—A. What colored men have told me.

Q. Do you know of any efforts being made by the troops to coerce republican voters?—A. No.

Q. Did you ever threaten a colored man in your employ that if he went to Sumter to give evidence in this contested case you would discharge him?—A. No; I did not.

J. H. COOPER.

Sworn and subscribed before me this 18th April, 1877.

[SEAL.]

CHAS. H. MOISE,
Notary Public.

ROBERT WITHERSPOON sworn.

(Objection on ground of want of notice.)

Question. What is your age?—Answer. About twenty five.

Q. Where do you reside?—A. Sumter County, Mayesville Township.

Q. Did you hear Capt. J. S. Richardson speak during the campaign?—

A. Heard latter part of his speech at Mayesville, in October.

Q. Did you hear him speak at any other time in Mayesville?—A. No.

Q. Did you hear Captain Richardson say that the white people would make the colored people vote their way?—A. No.

Q. What was the character of his speech?—A. It was an attempt to convince the colored people that it was to their interest to vote with the democrats.

Q. Did you hear any other speakers, representative men of the democratic party?—A. Yes; many others.

Q. What was the character of those speeches?—A. They were mild; no threats of violence or intimidation; no mention of proscription.

Q. Were you a reader of the journals published in this county?—A. Yes.

Q. What was the tenor of the doctrines taught by those papers?—A. There was no intimidation or force advocated by them.

Q. Where were you on the day of the election?—A. At Johnson's store.

Q. Do you know how the votes were counted?—A. Three piles were made, one radical, one democratic, and one of the scratched tickets. The red tickets were considered as republican tickets.

Q. Was each and every name read off from each and every ticket?—A. No.

Q. Was a ticket counted as republican because it was red?—A. Yes.

Q. How long after the polls closed before the counting began?—A. About half an hour.

Q. Who acted as clerk of the board?—A. Hampton Cain.

Q. Was he sworn as clerk?—A. He was not present when polls opened.

Q. What democratic club are you a member of?—A. Mayesville club.

Q. J. Clem Wilson testified in his direct examination for the contestee that the Mayesville democratic club adopted the proscription policy; is that true or false?—A. It is false, so far as I know.

Q. Has the proscription policy been practically carried out in this township?—A. Not that I know of. All in my employ are republicans; I mean all the colored persons.

Q. Were any troops introduced into this county during the campaign?—A. Yes.

Q. What is your opinion of the effect of the introducing the troops?
(Objection by contestee.)

A. I think it went against the democratic party.

Q. Why?—A. I think it made many vote the republican ticket who would not have done so, or would have staid at home.

Q. Do you think the republicans could have carried this county without the introduction of United States troops into the State?—A. I do not.

Q. Do you know any instances of colored democrats being intimidated by colored republicans?—A. No; not in my personal observation.

Q. To your best knowledge and belief, was there or not a wide-spread intimidation by colored republicans of men of the same color who wished to vote the democratic ticket?—A. There was.

R. WITHERSPOON.

Sworn to and subscribed before me this 18th April, 1877.

[SEAL.]

CHAS. H. MOISE,
Notary Public.

J. HARVEY WILSON sworn.

Question. What is your age?—Answer. Thirty-four.

Q. Where do you reside?—A. Sumter County, Lynchburg Township.

Q. Did you hear Capt. J. S. Richardson speak at Mayesville?—A. Yes.

Q. What time during the campaign?—A. Early; I think in October.

Q. Did you hear all of his speech that day?—A. I did.

Q. Was that the only speech Captain Richardson made at Mayesville, to your knowledge?—A. Yes.

Q. Henry Wilson and J. C. Wilson testified on their direct examination for the contestee that Capt. J. S. Richardson advocated in his speech at Mayesville the policy of force, and said "the white people would make the colored people vote their way." Is this true or false?—A. It is false.

Q. What was the tenor of Captain Richardson's speech?—A. I regarded it as an argument both conservative and conciliatory, and intended to convince the colored people that we intended to reform the government by peaceable means.

Q. Was it or was it not directly in opposition to the idea of using force?—A. It was.

Q. Did you hear other speeches by Captain Richardson, and what was their tenor?—A. I heard three other speeches by Captain Richardson. They were all conciliatory and conservative.

Q. Did you hear other candidates and representative democrats speak during the campaign?—A. Yes.

Q. Did they breathe out threats against the colored voters?—A. No.

Q. What was their character?—A. Were all conservative.

Q. How many journals are published in Sumter County?—A. Two.

Q. Do you read them?—A. I do.

Q. Are they democratic?—A. They are.

Q. Have they taught the doctrine of carrying elections by proscription, violence, or force?—A. They have not.

Q. Where were you on day of election?—A. At Mayesville.

Q. Did all who desired to vote at that poll do so?—A. The republicans endeavored to persuade persons to vote at Johnson's store rather than at Mayesville, but they used no force.

Q. Do you know at what hour the Mayesville box was opened?—A. I do not know.

Q. What do you think of the effect of introducing United States troops?—A. I think it was detrimental to the democrats. One colored man asked me if he would be allowed to vote the democratic ticket since the United States troops had arrived. Said he had been told by other colored men that they would not be allowed to vote the democratic ticket.

Q. What effect did the introduction of United States troops have upon the election in this county?—A. I think it likely if they had not come the democrats would have carried it.

Q. To your best knowledge and belief, was there or was there not a wide-spread intimidation of colored voters?—A. There was.

J. HARVEY WILSON.

Sworn and subscribed before me this 18th April, 1877.

[SEAL.]

CHAS. H. MOISE,
Notary Public.

F. J. MAYES sworn.

Question. What is your age?—Answer. Twenty-five.

Q. Where do you reside?—A. Sumter County, Mayesville Township.

Q. Did you hear Capt. J. S. Richardson speak?—A. Yes; at Mayesville, in the early part of the campaign.

Q. Did he make more than one speech at Mayesville?—A. Only one.

Q. Did you hear all of that speech?—A. Can't say I heard all of it; I was about the place from where he was speaking all the time.

Q. Henry Wilson and J. C. Wilson, in their testimony for the contestee, said that Captain Richardson, in his speech at Mayesville, said that "the white people would make the colored people vote their way." Was that true?—A. Not in my hearing.

Q. What was the tenor of his speech?—A. It was conservative, going to show the colored people it was to their interest to vote the democratic ticket.

Q. Did you hear speeches from other representative democrats, and what was their character?—A. Yes; the same as Captain Richardson's.

Q. Are you a member of the Mayesville democratic club?—A. Yes.

Q. Did that club at any time adopt the proscriptive policy?—A. They did not.

Q. Where were you on election-day?—A. At Mayesville, and at Johnson's store.

Q. How were the votes counted at Johnson's store?—A. Two piles were made; red tickets, black tickets, and scratched tickets were put back in the box to be counted.

Q. Was each and every name read separately from each and every ticket?—A. No; they took up one republican ticket, read off all the names, and counted the whole number of such tickets in the pile; the same was done with the democratic tickets, and then the scratched tickets were added to each respectively.

Q. Did the counting commence immediately after the closing of the polls?—A. No; about twenty or thirty minutes after. Two of the managers went to get dinner.

Q. Who was clerk of the board of managers?—A. Hampton Cain, when I voted; don't know if he was sworn.

F. J. MAYES.

Sworn and subscribed before me this 18th April, 1877.

[SEAL.]

CHAS. H. MOISE,
Notary Public.

ISAAC W. BRADLEY sworn.

Question. What is your age?—Answer. Thirty-nine, next fall.

Q. Where did you reside during the campaign?—A. Sumter County, Mayesville Township.

Q. J. C. Wilson said, in his testimony for the contestee, that he was told by Robert Lowry that you said if the republicans beat at the Mayesville box the democrats would destroy the box. Did you say that?—A. I never said that, nor anything like it.

Q. Did you hear Capt. J. S. Richardson speak here during the campaign?—A. Yes, once, early in the campaign.

Q. Did he advocate the use of force or intimidation?—A. No, not a bit of it; he tried to show to the colored people the necessity of going with the white people, and that all should go together politically.

Q. Did you hear any other representative democrats speak during the campaign?—A. Yes.

Q. What was the character of the speeches?—A. To show the colored people that the white people did not wish to injure them in any way, but that all should go together and be united.

Q. How many democratic journals are published in Sumter County?—A. Two.

Q. Did those papers advocate force as a means of procuring democratic votes?—A. Only saw the papers occasionally; there was nothing of that kind in the copies I got hold of.

Q. Where were you day of election?—A. At Mayesville.

Q. Were you here when poll was opened?—A. Yes.

Q. Was it opened at 6?—A. No.

Q. What time was it opened?—A. Some half hour after.

Q. What was the cause?—A. One of the managers was absent.

Q. Are you a member of the Mayesville democratic club?—A. Yes.

Q. J. Clem Wilson said, in his evidence for the contestee, that the proscription policy was adopted by that club. Is it true or false?—A. It is false.

Q. Has the proscription policy been put into practice since the election?—A. No, not generally; I know of one man who practiced it, and only one.

I. W. BRADLEY.

Sworn to and subscribed this 18th April, 1877.

[SEAL.]

CHAS. H. MOISE,
Notary Public.

J. A. MILLS sworn.

Question. What is your age?—Answer. Thirty-five.

Q. Where do you reside?—A. Sumter County, Mayesville Township.

Q. Where were you on day of election?—A. Was a United States supervisor at Mayesville.

Q. Did the poll open at 6 a. m.?—A. No.

Q. When did it open?—A. About 7 o'clock.

Q. Did you notice specially?—A. I did.

Q. What was the cause of the delay?—A. One of the republican managers was not present.

Q. Did you hear Capt J. S. Richardson speak at Mayesville during the campaign?—A. Yes.

Q. Did he speak more than once?—A. Not to my knowledge.

Q. Henry Wilson and J. C. Wilson testified in their examination for contestee that J. S. Richardson advocated in his speech at Mayesville the policy of force, and said "the white people would make the colored people vote their way." Is this true or false?—A. I heard all of his speech. He did not say anything of that kind.

Q. What was the tenor of his speech?—A. It was conciliatory. He tried to impress upon the colored people the importance of uniting with the white people to obtain a good government, which would be equally advantageous to them as to the whites.

Q. Are you a member of the Mayesville democratic club?—A. Yes.

Q. J. Clem Wilson testified that the Mayesville democratic club adopted the proscription policy. Is this true or false?—A. It is false.

Q. What was the effect of the introduction of United States troops here upon the election?—A. It was certainly very detrimental to the democratic cause.

Q. Had it or not a bull-dozing effect upon the colored voters?—A. It certainly kept them in the republican ranks, and prevented them from joining the democrats.

Q. To your best knowledge and belief, was there or not a wide-spread intimidation by colored republicans of colored men who wished to vote the democratic ticket?—A. There was. One colored voter told me he would join the democrats if he was not afraid.

Cross-examined :

Q. From the opening to the closing of the polls, did all voters have an opportunity of voting?—A. Yes.

J. A. MILLS.

Sworn to and subscribed before me this 18th April, 1877.

[SEAL.]

CHAS. H. MOISE,
Notary Public.

JAMES C. MCKINNEY sworn.

Question. What is your age?—Answer. Between thirty-eight and thirty-nine.

Q. Where did you reside during the campaign?—A. Sumter County, Mayesville Township.

Q. Did you hear Capt. J. S. Richardson speak during the campaign?—A. No.

Q. Did you hear any democratic representative men speak during the campaign?—A. Yes, and some of the candidates.

Q. Did you hear any of them preach the doctrine of force or violence as the means of procuring votes?—A. No.

Q. Did you read the democratic journals of this county during the campaign?—A. Yes.

Q. Were the articles in those conciliatory and conservative or not?—A. I considered them so.

Q. Did they advocate force?—A. No.

Q. Was the tone of the speakers and journals in keeping with the plan of the campaign?—A. It was.

J. C. MCKINNEY.

Sworn and subscribed before me this 18th April, 1877.

[SEAL.]

CHAS. H. MOISE,
Notary Public.

other colored persons who threatened to take the skin off his bottom if he did so.

Q. Do you, or not, know that there was a wide-spread intimidation of colored men who wished to vote the democratic ticket, by colored republicans?—A. Yes. Many of them told me they would vote the democratic ticket but for fear of the treatment they would receive from persons of their own color.

Q. Did you see or hear anything to make you think that the introducing of troops affected the colored vote?—A. No.

Q. Did you see John H. Legare at the polls the day of election?—A. Yes. He was here as deputy United States marshal; wore a badge.

Q. Did he take an active part in the election?—A. Can't say that he did; didn't hear him speak to any voters.

Q. Legare states in his evidence for contestee that two United States supervisors requested him to arrest James Wilson. Is that true?—A. I think not. The only person who requested the said arrest was Mr. Wells who was not a United States supervisor.

Q. As a manager, do you know of Mr. James Wilson being detected in putting three tickets into the box?—A. No; he did not.

Q. How far from the polls were the United States troops stationed?—A. About 200 yards; in sight.

Q. Did you ever hear Capt. J. S. Richardson advocate force and violence in the election?—A. No; I thought he was very mild.

(Objection made to all leading questions, and to all answers based on hearsay and opinion.)

W. D. HINDS.

Sworn to and subscribed before me this 20th day of April, 1877.

[SEAL.]

CHAS. H. MOISE,
Notary Public.

R. J. ANDERSON sworn.

Question. What is your age?—Answer. Forty-six.

Q. Where did you reside during the campaign?—A. Sumter County, Lynchburg Township.

Q. Where were you on election day?—A. From about 8 o'clock in the morning until polls closed, was about the polls.

Q. Did you see John H. Legare that day?—A. Yes; he was a United States deputy marshal.

Q. Legare says troops were a half mile from polls; is that true?—A. No; not two hundred yards; fully in sight and within call.

Q. Legare says he did not say the troops were under his control, and that they would arrest whoever he (Legare) directed them to arrest. Is this true or false?—A. It is false; he did say so to me.

Q. Was Legare acting that day simply as a peace officer, or did he take an active part in the election?—A. I can't say he took an active part, but I did hear him say the "trouble is coming when you attempt to discharge colored men for voting the radical ticket; you will all be put in jail." This remark was made to democrats in presence of many republicans.

Q. Did you see any effect upon the voters from Legare's threat to use the troops?—A. Yes.

Q. What was the effect?—A. Most everybody was intimidated. Legare said, when called to arrest Jim Wilson, that he, Wilson, would have to attend United States court in Charleston. This intimidated voters, both white and colored. He also said United States troops

were subject to his orders; also said the democrats had no right to electioneer; that the canvass had closed at 6 o'clock the day before.

Q. Did this have the effect of stopping all electioneering by democrats?—A. Yes; I stopped at once, and others followed, fearing they would have to attend United States court.

Q. Did the colored or white republicans stop electioneering?—A. No; they did not, but were very active; had runners on each road and at depot to distribute tickets.

(Objection made by contestee to all leading questions and to all answers upon hearsay or opinion.)

Cross-examined:

Q. Did United States soldiers stationed within 200 yards of polls take any part whatever in the election?—A. None that I know of.

Q. Was any one prevented from voting as they pleased in consequence of threats made by Legare as United States deputy marshal?—A. I don't know of any from Legare's threats, but there were from threats made by republican party.

Q. Can you state the names of those who were prevented from voting?—A. Yes. Ben McIntosh, Jim McIntosh, had promised me to vote the democratic ticket; said they were democrats. The morning of the election they told me they were afraid to do so on account of hearing threats made against those who voted the democratic ticket.

Q. Is it possible that a colored United States deputy marshal could intimidate intelligent white voters from voting or electioneering on election-day?—A. Yes; he did.

Q. How did he do so?—A. By saying that the canvass was closed the day before at 6 o'clock.

Q. Did he intimidate you?—A. Yes, he did. I had started to take an active part in the election, but this stopped me.

Redirect:

Q. Is it not a fact that since the war, up to the last campaign, the white people have taken very little interest in elections?—A. Yes.

Q. Do you not know that there are a number of colored men of comparatively no general intelligence, who on election laws, manner of conducting elections, &c., are better posted than many of our intelligent white men?—A. Yes.

Q. Was not the ignorance of the whites concerning the election laws the cause which enabled Legare so easily to intimidate them?—A. Yes. The whites were not posted in election laws, and supposed that Legare was.

Q. While no actual force was used by Legare, was not the moral effect of his conduct and threats such as to intimidate the whites from electioneering and the colored men from voting the democratic ticket?—A. Yes. The fear of immediate arrest by the United States troops, on the orders of Legare, for taking any part in the election, prevented the whites from electioneering. During the day a young man voted, and his vote was challenged; it was reported and believed by the whites that the troops would arrest him. I offered Legare bail for him. He said he would not have him arrested to-day, but would go home and make out the warrant and send for him.

R. J. ANDERSON.

Sworn to and subscribed before me this 20th April, 1877.

[SEAL.]

CHAS. H. MOISE,
Notary Public.

DEMSEY BOYCE sworn.

Question. What is your age?—Answer. Seventy-four.

Q. Where do you reside?—A. Sumter County, Lynchburg Township.

Q. Did you vote on day of election?—A. Yes.

Q. Who gave you the ticket?—A. Jimmy Wilson.

Q. How far from the ballot-box were you when he gave you the ticket?—A. About ten steps.

Q. Were the tickets open or folded up when he gave them to you?—A. They were not folded up.

Q. John H. Legare said in his testimony for contestee that Mr. James Wilson tried to get you to vote two tickets at once. Is that true?—A. No, it is not true. Neither he nor I knew there were two tickets. When I went to vote, Henry Wells said hand me that ticket and let me fold it up. He asked me who gave me the ticket. I told him Jimmy Wilson. He found that there were two tickets, and said he would have Wilson arrested.

(Objection made by contestee to all leading questions and to all answers made on hearsay or opinion.)

his
DEMSEY + BOYCE.
mark.

Sworn to and subscribed before me this 20th April, 1877.

[SEAL.]

CHAS. H. MOISE,
Notary Public.

JAMES W. WILSON sworn.

Question. What is your age?—Answer. Twenty-nine.

Q. Where do you live?—A. Sumter County, Shiloh Township.

Q. Where were you on day of election?—A. At Lynchburg, near the polls.

Q. Did you attempt to vote more than once that day?—A. No.

Q. Did you attempt to put in more than one ticket as your ballot at Lynchburg poll on day of election?—A. I did not.

Q. John H. Legare says in his testimony for contestee that the managers detected you in trying to vote two tickets at once. Is this true or false?—A. It is false.

Q. Did you try to get Mr. Demsey Boyce to vote two tickets at once?—A. I did not. I was handing tickets to Mr. Boyce, and a son of his, and Willie Baker and Morgan Baker, and did not know that there was more than one ticket handed to any of them.

Q. Did any one threaten to carry you to the United States Court in Charleston for making this mistake; and, if so, who did it?—A. Yes. John H. Legare, deputy United States marshal, said to me I would have to go before the United States court in Charleston. I tried to explain that it was a mistake. Legare said he could not help it, I would have to go to Charleston; the case would be tried.

Q. Did what Legare said to you intimidate others that day?—A. I feel certain it did.

Q. What did Legare say about United States troops?—A. He said he was United States deputy marshal; he did not wish to arrest anybody, but the troops were under his command, and he could have any one arrested whom he pleased.

Q. Do you know any instances of intimidation of colored voters by colored republicans?—A. I do not know any instances that came under my personal knowledge.

Q. Was there not a wide spread intimidation of colored voters who

desired to vote the democratic ticket by colored republicans?—A. I believe there was.

(Objection made by contestee to all leading questions and to all answers on hearsay or opinion.)

J. W. WILSON.

Sworn to and subscribed before me this 20th April, 1877.

[SEAL.]

CHAS. H. MOISE,
Notary Public.

A. H. FRIERSON, sworn.

Question. What is your age?—Answer. Fifty-six.

Q. Where did you live during the election?—A. Lynchburg Township, Sumter County.

Q. Where did you vote?—A. At Lynchburg.

Q. Judging from what you saw of the conduct of colored voters before the introduction of the troops and after their introduction, do you or do you not think that the call for and introduction of troops had a decided effect upon the voters?—A. I think it had.

Q. How?—A. I think it prevented some of the colored voters from voting the democratic ticket. It had been reported among the colored people that if they voted the democratic ticket they would be arrested by the troops.

Q. Do you know of any blacks intimidating others from voting the democratic ticket?—A. Not in my personal observation, but to the best of my knowledge and belief, there was a wide-spread intimidation of blacks by blacks.

Q. J. H. Legare testified in his examination for Rainey that the troops were a half mile off and not in sight; is this true or false?—A. It is false. They were fully in sight and within 200 yards of the polls.

Q. J. H. Legare says that he did not say to any one on the day of election at Lynchburg that the troops stationed here were subject to his orders and would arrest whoever he directed arrested. Do you know this to be false?—A. I know it to be false.

Q. Did Legare speak to you on election-day on that point?—A. Yes. He said those troops (pointing to the tents which were in sight) are subject to my order; exposed his badge as United States deputy marshal; said he was deputy marshal, to satisfy me that he had authority over the troops.

Q. Did Legare electioneer on that day?—A. I do not think he did.

Q. Did he say anything to prevent electioneering?—A. He said the canvass closed yesterday at 6 o'clock, and there should be no more electioneering.

Q. Did not the statements of Legare leave the impression on your mind that electioneering on that day was a violation of law of the United States?—A. Yes; and that we were liable to be arrested for it, and that he had the authority.

Q. Were you not yourself so intimidated by the conduct and statements of J. H. Legare as to deter you from taking an active part in electioneering that day?—A. Yes.

Q. Were not the white people generally intimidated from the same cause?—A. Yes; several expressed themselves to me in that way.

Q. Did Legare take the same pains to stop colored republicans from electioneering?—A. No.

Q. Were the negroes very active?—A. They were. I have seen as many as three after one, electioneering.

Q. Did you see Mr. Dempsey Boyce attempt to put in two tickets as one ballot?—A. I did not.

Q. Did you hear J. S. Richardson?—A. Yes; once at the academy in Lynchburg.

Q. Did he attempt to teach white democrats that they should carry the election by force or violence?—A. No, I did not hear that; he tried to advise them to vote the democratic ticket because it would be to their interest.

Q. Did Legare tell you how many names he had of persons to be arrested on election-day?—A. Yes; he said about fifteen. In relation to Wilson's case, he said J. M. Wilder was a particular of his (Legare) and a relation of Wilson, and on account of the good feeling between himself and Wilder he would either compromise or drop Wilson's case.

(Objection made by contestee to all leading questions and to all answers based on hearsay or opinion.)

Cross-examined:

Q. Did the troops prevent any person from voting?—A. They did not by their presence at the polls, as they did not leave their camp.

Q. Did the troops take any part in the election?—A. I do not think they did.

Q. How many colored people, to your own knowledge, were prevented by the presence of the troops from voting the democratic ticket?—A. I cannot say of my own knowledge that any were.

Redirect:

Q. You say that you do not know that the troops prevented any one from voting. Do you mean that the introduction and presence of United States troops at the invitation of a republican governor during the election had no effect upon the result of the election?—A. I do not say that.

Q. What effect do you think it had?—A. I think it intimidated some of the colored democrats.

Q. Are you not satisfied that it very greatly injured the democrats and benefited the republicans?—A. I think so.

A. H. FRIERSON.

Sworn to and subscribed before me this 20th of April, 1877.

[SEAL.]

CHAS. H. MOISE,

Notary Public.

J. J. DURANT sworn.

Question. What is your age?—Answer. Forty-one.

Q. Where did you live during the election?—A. Lynchburg Township, Sumter County.

Q. Where were you on day of election?—A. I was United States supervisor at Lynchburg poll.

Q. John H. Legare says in his testimony for Rainey that the managers of the Lynchburg poll detected James Wilson in an attempt to cast three tickets at once as his ballot; is this true or false?—A. It is false.

Q. When you counted the votes, how was the result ascertained? Did you read each and every name from each and every ticket?—A. No; each ticket with a democratic heading was counted as all democratic; same with republican tickets. We were guided by the color, except in one instance where a republican heading contained democratic candidates, and was so counted.

Q. Did any of the managers call on Legare to arrest James Wilson?—

A. Henry Wells, a republican manager, called Legare's attention to Mr. Dempsey Boyce's ballot; don't think he said anything about arresting him.

Q. J. H. Legare said that the troops were half a mile from the polls and entirely out of sight; is this true or false?—A. It is false. They were about 125 yards in an air-line.

(Objection made by contestee to all leading questions and to all answers based upon hearsay or opinion.)

J. J. DURANT.

Sworn to and subscribed before me this 20th April, 1877.

[SEAL.]

CHAS. H. MOISE,
Notary Public.

J. M. SANDERS sworn.

Question. What is your age, and where did you live during the campaign?—Answer. I am fifty-five; Lynchburg Township, Sumter County.

Q. Did you hear J. S. Richardson speak at Lynchburg during the campaign?—A. Yes; twice, I think; once certainly.

Q. Did he advocate force or violence as a means of carrying the election?—A. No; he used very strong arguments that if the colored republicans would go with the democrats we would have a better government.

Q. Where were you on day of election?—A. I was here in Lynchburg during the latter part of the day.

Q. Did you hear of J. H. Legare, deputy United States marshal, and if so, what?—A. I heard that he was taking down the names of many persons, and it was supposed that they would be carried to Charleston.

Q. What were the charges against the parties?—A. Those who took an active part in electioneering were to be put on the list; also for alleged acts of intimidation. It was a prevailing rumor. Many of my friends warned me to "look sharp."

Q. Such were your fears, engendered by the serumors, that you were very cautious in electioneering; was it not so?—A. I came here to exercise my privilege as a free citizen of speaking to the people in the mildest and gentlest manner to induce them to vote the democratic ticket; but I at once abandoned all idea of electioneering, and kept out of Legare's way.

Q. Did you hear that United States troops were under Legare's orders?—A. I thought so; I was confident of it.

Q. How far were the troops from the polls?—A. About two hundred yards or less, and in view outside of buildings, I suppose.

Q. Do you know anything of intimidation of blacks by blacks?—A. Cannot give instances, but I am satisfied that many colored persons who desired to vote the democratic ticket were intimidated by their colored neighbors.

(Objection made by contestee to all leading questions, and to all answers based on hearsay or opinion.)

J. M. SANDERS.

Sworn to and subscribed before me this 20th April, 1877.

[SEAL.]

CHAS. H. MOISE,
Notary Public.

W. J. McLEOD sworn.

Question. What is your age and where did you reside during the campaign?—Answer. Forty-nine; Sumter County, Shiloh Township.

Q. Did you hear J. S. Richardson speak during the campaign?—A. Yes; once—the greater portion of his speech.

Q. What was the character of the speech?—A. His speech was persuasive. He spoke confidently of success; was not at all threatening. Seemed to take more pains to convince the colored people that it was their interest to vote with the democrats than any other speaker.

Q. Were you at this poll during the election?—A. Had a sick family; was at the polls off and on all day.

Q. J. H. Legare said in his testimony for Rainey that the troops were half a mile from the polls and entirely out of sight. Is this true or false?—A. False; they were within two hundred yards. I think some of the tents were visible just outside the door of the polling-place.

Q. Did you see J. H. Legare the day of election?—A. Yes; I was told that he was a deputy United States marshal.

Q. What was the current rumor as to Legare's conduct?—A. I came late. Expected to find the democrats working like beavers. Saw there was very little doing. Was told that the United States marshal had arrested one man and threatened to arrest others, and was told that the democrats thought it better to be as quiet as possible. The democrats were demoralized. They did not know the law, nor the extent of Legare's authority, and feared to take a wrong step.

Q. Do you know any instances of colored persons being intimidated from voting the democratic ticket?—A. I cannot cite any particular instance.

Q. To your best knowledge and belief, was there not a widespread intimidation of colored democrats by colored republicans?—A. I am satisfied there was.

Q. Did you hear Legare conversing with Mr. J. A. Rhame?—A. Yes. Legare said, "I have been watching or following you all day, and now I have you where I want you. You have been giving out these red tickets, telling the people that they were republican tickets, and they were not; which," said Legare, "is a clear case of intimidation."

Q. Are you not satisfied that if there were any colored men here that day who desired to vote the democratic ticket they would have been afraid to do so?—A. Yes. My conclusion was that if Legare had not been here the democrats would have carried this poll. I mean the man who passed himself off as a United States deputy marshal, whose conduct prevented the colored men from voting the democratic ticket.

(Objection made by contestee to all leading questions, and to all answers based on hearsay or opinion.)

Cross-examined:

Q. What was the republican majority at Lynchburg poll for four or five years past?—A. Do not know; took no interest in previous elections. Think the republicans had it their own way.

Q. What was the majority at the last election?—A. Between 10 and 15.

W. J. McLEOD.

Sworn to and subscribed before me this 20th April, 1877.

[SEAL.]

CHAS. H. MOISE,

Notary Public.

J. A. RHAME sworn.

Question. What is your age; where did you live during last election?—Answer. I am twenty-six; lived in Lynchburg Township, Sumter County.

Q. Where were you day of election?—A. At Lynchburg poll.

Q. How far was the camp of the United States troops from the polls?—A. About 120 yards, and fully in sight. Saw the soldiers frequently

during the day as I stood on the steps of the building where the polls were kept. Saw United States Deputy Marshal Legare go to the camp twice and talk to the troops.

Q. Legare, in his testimony for Rainey, says he did not tell Rhame or any one else that the troops were subject to his orders and would arrest any one he told them to arrest; is this true or false?—A. Am not certain if Legare told me so, but I inferred when he spoke of having persons arrested and I saw him go and talk to the soldiers and return that he meant that he would use the troops. I was told to be cautious, that Deputy Marshal Legare had said that the troops would arrest any man who he (Legare) should point out.

Q. Legare says that you demanded to see how a certain colored man voted, and tried to cheat him into voting the red democratic ticket by telling him that it was a republican ticket; is this true or false?—A. It is false.

Q. Did you hear Legare make any threats of arresting any one?—A. Yes; he threatened to arrest several persons. He refused to give names, but said they were whites; said that democrats had challenged votes, and that he would erase some of the names he had if we would erase the names of those we had challenged. He said it was against the law, and he would not allow any man to electioneer; that he had authority to prevent it, and would do so.

Q. Did not United States Deputy Marshal Legare later in the day threaten to arrest you?—A. I understood him to do so. He said he had been following me all day, and now had me where he wanted me. That I was trying to intimidate voters by offering a red ticket with names of democratic candidates on it, and that was intimidation.

Q. Do you not know that Deputy United States Marshal Legare, by his general demeanor and threats of what he could and would do in his official capacity, intimidated the whites, and prevented their electioneering for their tickets, and intimidated the colored voters and prevented their voting the democratic ticket?—A. Yes. The current rumor was that the troops were under Legare's orders, and would arrest any democrat who electioneered. I heard many democrats, who intended to be very active, say they would nothing more to do with it.

Q. Have you told any colored man whom you have discharged from your plantation that you discharged him because he voted the republican ticket, or because he had stolen cotton from you? Tell all the circumstances.—A. I had a man hiring a farm on my plantation; had sold him a mule and advanced him provisions, taking a lien on his crops and a mortgage on the mule. I suspected him of selling a bale and a half of cotton which was owing to me on the lien, and told him so. Did not tell him that I desired him to leave because he had voted the republican ticket. Nor did I threaten him before the election that he must leave if he voted the republican ticket. Nor did, on the day of election, tell him to vote any ticket. Did not tell him to leave. He left about middle of January. My contract with him expired 1st of January.

Q. Are not you satisfied that Legare's conduct as deputy United States marshal at Lynchburg poll, by intimidating whites and blacks, reduced considerably the democratic vote?—A. I am; believe that the democrats would have carried this poll had it not been for Legare's conduct that day.

Q. Do you know any instances in which intimidation of colored voters was effected by introduction of troops into the State?—A. I don't recollect any particular instances, but I am satisfied the republican vote was increased by it.

Q. Do you know of any instances of intimidation of blacks by blacks ?
—A. A black man told me he was afraid of having his house burned down if he voted the democratic ticket.

(Objection by contestee to all leading questions, and answers based on hearsay or opinion.)

Cross-examined :

Q. Was your lien, alluded to above, properly recorded ?—A. It was.

Q. Did you foreclose that lien ?—A. We agreed upon certain prices at which I should take the crop.

Q. You are charged in the testimony for contestee that you, in company with Mr. Griffin, took possession of all the liener's property. Is it true or not ?—A. It is not true.

Q. Did you force the liener to leave your premises ?—A. I did not. He left without being ordered away.

Q. How long after the election was it that you and Mr. Griffin visited him ?—A. About two weeks.

Q. Did you not tell him before the election that if he did not vote the democratic ticket you would turn him away ?—A. No.

J. A. RHAME.

Sworn to and subscribed before me this 20th April, 1877.

[SEAL.]

CHAS. H. MOISE,

Notary Public.

W. D. HINDS recalled.

Question. John H. Legare said, in his testimony for Rainey, that the managers at Lynchburg detected Mr. James Wilson trying to vote three tickets at one time as his ballot. Were you a manager at Lynchburg poll, and is this true ?—Answer. I was. It is not true.

Q. John H. Legare, in his testimony for Rainey, said that two of the supervisors of election at Lynchburg requested him to arrest James Wilson. Is this true ?—A. It is not.

Q. Did you not threaten to report one of the republican managers for leaving his post as manager in order to distribute tickets and electioneer among the colored voters ?—A. I did.

Q. What was the purport of a paper which Deputy United States Marshal Legare read in your hearing as an opinion of Attorney-General Stone on the election law ?—A. Legare said he had Mr. Stone's opinion, (drawing a paper from his pocket.) Mr. Wells, a republican manager, read it aloud, (a portion of it.) It was giving what would be considered intimidation. One point was, that a man should not turn another off his place, or refuse to rent him land, or refuse him employment because he voted the republican ticket.

Q. What message did Legare, United States deputy marshal, send through you to the persons whom he had on his list ?—A. That I should tell Mr. Anderson to tell those men that he would not have them arrested, as he did not wish to put them to trouble ; that Mr. Anderson must go and see him, and they would fix up the matter.

(Objection made to all leading questions, and to all answers based on hearsay or opinion.)

W. D. HINDS.

Sworn to and subscribed before me this 20th April, 1877.

[SEAL.]

CHAS. H. MOISE,

Notary Public.

M. E. McDONALD sworn.

(Objected by contestee that no notice was given, or, if given, not in proper time.)

Question. What is your age, and where did you live during the campaign?—Answer. Shiloh Township, Sumter County; age thirty-four.

Q. Where did you vote on 7th November last?—A. At Lynchburg.

Q. Did you see John H. Legare, United States deputy marshal, that day?—A. I did.

Q. Were any troops stationed at Lynchburg on that day?—A. Yes; about 150 yards from the polls.

Q. Did John H. Legare, United States deputy marshal, say to you or within your hearing that those troops were subject to his orders?—A. He was reading a paper, which he said was United States law of elections. He said the campaign was over; that all we could do now was to offer a man a ticket; if we went any further we would render ourselves liable. "Those United States troops yonder are sent here to arrest any man that I will point out." He said he did not want to arrest any one, but was sorry he would have it to do. Said there would be fifty arrests at Bishopville; that the man who had been sent there was a perfect tyrant.

Q. Was there not, from United States deputy marshal's conduct and threats of what he would do with the troops, a wide-spread intimidation among the democratic voters; and are you not satisfied that many votes were lost to the democrats at Lynchburg precinct by reason of this conduct of Legare's?—A. Yes, I am; to both.

(Objection made by contestee to all leading questions, and to all answers based on hearsay or opinion.)

M. E. McDONALD.

Sworn to and subscribed before me this 20th April, 1877.

[SEAL.]

CHAS. H. MOISE,
Notary Public.

J. T. McINTOSH sworn.

(Objected to by contestee for want of proper notice.)

Question. What is your age; where were you during the campaign?—Answer. I am twenty-six; was in Lynchburg Township, Sumter County.

Q. Were you at Lynchburg poll on 7th November last?—A. Yes.

Q. Did you see United States Deputy Marshal John H. Legare about the polls that day?—A. I did.

Q. What did he say?—A. I heard him say that the United States troops were subject to his orders, and would arrest any one he ordered to be arrested.

Q. Were you afraid, along with the other people, to electioneer?—A. Yes.

(Objection made by contestee to all leading questions, and to all answers on hearsay or opinion.)

J. T. McINTOSH.

Sworn to and subscribed before me this 20th April, 1877.

[SEAL.]

CHAS. H. MOISE,
Notary Public.

UNITED STATES OF AMERICA,
State of South Carolina, First Congressional District:

J. S. RICHARDSON, CONTESTANT, }
against } Contested Congressional election.
 JOSEPH H. RAINEY, CONTESTEE. }

I, Charles H. Moise, notary public in and for the State of South Carolina, do hereby certify that the foregoing seventy-seven pages of testimony were taken before me as notary public, at Mayesville and Lynchburg, in the county of Sumter, South Carolina, on behalf of the contestant, in accordance with notices attached, to wit, forty-three pages, numbered from one to forty-three, taken at Mayesville on the 18th of April instant, and forty-four pages numbered from one to forty-four, taken at Lynchburg on the 20th of April instant; that the witnesses came before me then and there and were duly sworn and examined; that the questions propounded and answers given were written down in presence of said witnesses respectively, and also in presence of counsel for contestant and contestee, and after being so written down were duly attested by said witnesses as required by law.

Given under my hand and seal of office, at Sumter, in the county of Sumter and State aforesaid, this the 30th day of April, A. D. 1877.

[SEAL.]

CHAS. H. MOISE,
Notary Public.

Notice to take testimony in rebuttal.

SOUTH CAROLINA,
First Congressional District:

JOHN S. RICHARDSON, CONTESTANT, }
against } Contested election.
 JOSEPH H. RAINEY, CONTESTEE. }

To JOSEPH H. RAINEY:

You will take notice that I shall take testimony in rebuttal before C. M. Hurst, United States commissioner, at Bishopville, Sumter County, South Carolina, on the 18th April instant, the testimony to be read and used as evidence in the above-stated cause, and to be adjourned from day to day. I will examine the following-named witnesses, all residents of Sumter County, South Carolina, to wit: Charles Spencer, J. W. Stuckey, W. B. Carnes, J. A. Carnes, John O. Durant, W. A. James, Geo. McCutchen.

J. S. RICHARDSON.

APRIL 13, 1877.

STATE OF SOUTH CAROLINA,
Darlington County:

Personally appears Calvin Josey, sheriff's deputy for the above county, who, on oath, says that he served the within notice personally upon D. D. McColl, the attorney for Joseph H. Rainey in the within-stated case, by leaving with him a copy of the same at Darlington Court-House, in said county, on the 13th day of April instant.

CALVIN JOSEY.

Sworn before me this 14th day of April, 1877.

[SEAL.]

J. J. WARD,
Notary Public.

UNITED STATES OF AMERICA,

State of South Carolina, First Congressional District :

JOHN S. RICHARDSON, CONTESTANT,

against

JOSEPH H. RAINEY, CONTESTEE.

} Contested Congressional election.

Col. J. S. RICHARDSON, *Contestant :*

Please take notice that contestee protests against the taking of testimony in rebuttal before C. M. Hurst, as United States commissioner, at Bishopville, Concord, Providence, and Carter's Crossing, in Sumter County, South Carolina, as mentioned in notices served, said C. M. Hurst, as United States commissioner, not being such an officer as the law authorizes to take depositions of witnesses in such cases, (see section 110 of act of Congress in relation to contested elections;) and, secondly, because said Hurst has no seal to verify said depositions.

April 18, 1877.

[SEAL.]

D. D. McCOLL,

Attorney for Contestee.

This protest is filed by attorney for contestee.

[SEAL.]

D. J. AULD,

Notary Public.

UNITED STATES OF AMERICA,

State of South Carolina, First Congressional District :

To JOSEPH H. RAINEY, *Contestee :*

In answer to the foregoing protest, filed by contestee, the contestant answers, that Charles M. Hurst, styled "United States commissioner" in the notices referred to, is also a notary public, and the testimony will be taken by him as a notary public.

April 18, 1877.

JOHN S. RICHARDSON.

This answer was filed to the foregoing protest.

[SEAL.]

D. J. AULD,

Notary Public.

TESTIMONY TAKEN IN REBUTTAL AT BISHOPVILLE, S. C.

JOHN S. RICHARDSON, CONTESTANT,

against

JOSEPH H. RAINEY, CONTESTEE.

} Contested election.

SOUTH CAROLINA,

First Congressional District.

BISHOPVILLE, SUMTER COUNTY, S. C.,

April 18, 1877.

CHARLES SPENCER sworn.

Question. What is your age, and in what township did you reside during the last campaign?—Answer. My age is 56. I resided in Bishopville Township at time of last campaign.

Q. Harrison Witherspoon (colored) said, in his testimony for Joseph H. Rainey, that there was a "rifle-club" at Bishopville. Is it true?—

A. There was a club, called a "rifle-club." They were not armed and never drilled, to my knowledge.

Q. If there ever was a "rifle-club" at Bishopville, did it ever drill; and, if so, how often, and when did it disband?—A. It never drilled, and disbanded immediately upon the issuing of Governor Chamberlain's proclamation.

Q. For what were the rifle-clubs ever organized in this county; was it to coerce and compel the colored man to vote against his wishes, or to protect such colored men as desired to vote with the democrats against the threats and abuses of their own color?—A. My idea of the organization and purpose of the rifle-club was, to keep order in the community; was not to force the colored man to vote against his will or wishes, but to protect him in the right of voting as he pleased.

Q. Harrison Witherspoon and W. I. Anderson, and, I believe, Wm. E. Johnston, said in their testimony for Rainey, that the citizens of Bishopville Township prevented, by threats and abuses, the republicans holding a public meeting in the limits of the town on some occasion during the campaign. Is this true? State what you know of it.—A. It is not true, not a word of it; what I know about it is this: that on the occasion referred to, the colored people of this township called a meeting here at Bishopville, and having formed into line, the procession marched up the Main street of Bishopville, then marched back down Main street to the colored church and held their meeting there, undisturbed by any one; no one interfered with them.

Q. Some of the witnesses for Rainey said in their testimony that on the day of the election threats were made against the republican managers and supervisors of election. Is this true? State what you know of it.—A. It is not true; so far as I ever heard or have any knowledge, I never heard any threats made by any one, at any time, against either of the republican managers or supervisors of election.

Q. Was there any intimidation or threats by republicans against colored voters in your township? If so, tell all you know about it.—A. I did not hear threats made by republicans against colored voters, but I heard of them; was of common report.

Q. Were there any arms carried to the polls, or near to the polls, by republicans on the day of the election? If so, state what occurred. Was anybody's premises fired into? If so, whose?—A. I don't know about there being any arms at the polls on election-day, but I know this, that during the day a number of colored men passed by my residence, on the public road leading into Bishopville, and fired several times, discharged several guns into my front yard and garden, alarming and frightening female members of my family. One of my daughters, a married daughter, was frightened to that extent as to produce spasms, a nervous contraction of the muscles and limbs, and other ladies living on the place were so much alarmed as to leave their house and come to my house for protection.

Q. Was the preference policy enforced in your township?—A. No preference policy, based upon any political grounds, or for any political reasons, has ever been practiced or enforced in this township; and since the campaign the colored people without exception have all been employed the same and treated the same as before the election.

Q. If United States troops had not been first threatened and then introduced into the State and county, judging from all you saw and heard among the colored voters during the early stages of the campaign, what, in your judgment, would have been the result of the canvass in Sumter County? Would the election have gone democratic or republican?—A. I firmly believe that, had there been no United States troops sent to

this State and county, Sumter County would have gone democratic at the last election.

Q. State the facts on which you base this judgment.—A. The facts are simply these: Before the United States troops were introduced into this county the colored people very generally appeared and professed to be willing and disposed to vote the democratic ticket with the white people in the election, and so a great many expressed themselves; but after the United States troops came here that disposition changed, because there was a general belief among the colored people that the troops were sent here to coerce or influence them to vote the republican ticket.

Q. Was there a United States deputy marshal at the Bishopville polls on the day of the election? If so, who was he? Was he a republican or democrat?—A. There was a United States deputy marshal here on the day of the election, or, at least, a colored man claiming to be a United States deputy marshal—I don't remember his name—and I believe was a republican.

Q. Did he take an active part in the election; and, if so, for what party?—A. I did not see him take any active part in the election—did not see him attempt to influence voters.

CHARLES SPENCER.

Sworn to and subscribed before me at Bishopville, S. C., this 18th day of April, 1877.

[SEAL.]

C. M. HURST,
Notary Public.

JOHN W. STUCKEY sworn.

Question. What is your age, and in what township did you reside during the last campaign?—Answer. Age, 67 years; resided in Bishopville Township.

Q. Harrison Witherspoon (colored) said in his testimony for Joseph H. Rainey that there was a rifle-club at Bishopville. Is this true?—A. There was a company formed here; it was called a "rifle-club," but the members had no rifles, muskets, or arms of any sort.

Q. If there ever was a rifle-club at Bishopville, did it ever drill; and, if so, how often, and when did it disband?—A. The company above mentioned—and it was the only one formed at Bishopville—never did drill or parade, to my knowledge, and disbanded or ceased holding any meetings immediately after the proclamation was issued forbidding such meetings.

Q. For what were the rifle-clubs ever organized in this county? Was it to coerce and compel the colored man to vote against his wishes, or to protect such colored men as desired to vote with the democrats against the threats and abuses of their own color?—A. My idea as to the purpose of organizing the rifle-clubs is this—to preserve order in the community, for safety and protection of persons of all classes, and to secure to the colored people their right to vote as they pleased in the election. It was not to coerce and compel the colored man to vote against his wishes, but to protect him in the right to vote the democratic or republican ticket, as he pleased, without molestation or hinderance by any one.

Q. Harrison Witherspoon and W. I. Andrews, and, I believe, William E. Johnston, said, in their testimony for Rainey, that the citizens of Bishopville Township prevented, by threats and abuses, the republicans from holding a public meeting in the limits of the town on some occasion during the campaign. Is this true? State what you know of it.—A. I remember the occasion well. I reside at Bishopville, and was

present at the time of the meeting referred to. It was a meeting said to have been called by the county republican leaders, to be held at Bishopville; was, I believe, in last October. I saw the colored people gathering in crowds; only a few white men were with them. They formed in procession, marched up the main street in Bishopville, then back again to the colored people's church in the edge of town, and there held their meeting, which lasted for several hours, without molestation or interference by any one. It is not true that the republicans were prevented from holding a public meeting at Bishopville by any of the citizens.

Q. Some of the witnesses for Rainey said in their testimony, that on the day of the election threats were made against the republican managers and supervisors of election. Is this true? State what you know of it.—A. I was at the polls for a short time both morning and evening of the day of election, November 7, 1876, and heard no threats made by any person or persons against any of the republican managers of election or supervisors of election.

Q. Was there any intimidation or threats by republicans against colored voters in your township? If so, tell all you know about it.—A. I don't know of my own knowledge of any threats or intimidation. I did not hear any, but such was the general report.

Q. Were there any arms carried to the polls or near to the polls by republicans on the day of election? If so, state what occurred. Was anybody's premises fired into? If so, whose?—A. I did not see any arms at or near the polls carried by republicans on the day of the election, but, during the day, I saw a number of colored men passing by the residence of Mr. Charles Spencer, living in the suburbs of Bishopville, and heard reports of fire-arms; saw the smoke; and, after the firing, saw the colored men running toward Bishopville. I was at my own residence some little distance away from the public road.

Q. Was the preference policy enforced in your township?—A. It was not, and never has been.

Q. If United States troops had not been first threatened, and then introduced into the State and county, judging from all you saw and heard among the colored voters during the early stages of the campaign, what, in your judgment, would have been the result of the canvass in Sumter County? Would the election have gone democratic or republican?—A. My judgment and belief is that if the United States troops had not been sent to the State and county, the election would have gone democratic.

Q. State the facts upon which you base this judgment.—A. Before the troops were sent into this county, numbers of colored voters expressed a desire and intention to vote the democratic ticket with the white people, but after the United States troops came they changed their intentions, appearing to be influenced by the impression that the troops were sent here to see that they did vote the republican ticket.

Q. Was there a United States deputy marshal at Bishopville poll? If so, who was he? Was he a republican or democrat?—A. Yes; there was a United States deputy marshal here. Don't remember his name, and I believe was a republican.

Q. Did he take any active part in the election? and if so, for what party?—A. No; he did not take an active part in the election while I was present at the polls.

J. W. STUCKEY.

Sworn to and subscribed before me at Bishopville, S. C., this 18th day of April, 1877.

[SEAL.]

C. M. HURST,
Notary Public.

JAMES A. CARNES sworn.

Question. What is your age, and what township did you reside in during the last campaign?—Answer. Age 64, and resided in Bishopville Township.

Q. Harrison Witherspoon (colored) said, in his testimony for Jos. H. Rainey, that there was a rifle-club at Bishopville. Is it true?—A. There was a club or society formed here, but the members had no arms of any sort.

Q. If there ever was a "rifle-club" at Bishopville, did it ever drill; and, if so, how often, and when did it disband?—A. I never saw them drill; don't know if they did; and disband after President Grant's proclamation in October, 1876, I think.

Q. For what were the rifle-clubs ever organized in this county? Was it to coerce and compel the colored man to vote against his wishes, or to protect such colored men as desired to vote with the democrats against the threats and abuses of their own color?—A. The rifle-clubs were not organized to coerce anybody, but were for the protection of every class of citizens in the right to vote as they pleased, and that was the main object of the organization, as assured to the colored people.

Q. Harrison Witherspoon and W. J. Andrews and, I believe, Wm. E. Johnston said in their testimony for Rainey that the citizens of Bishopville Township prevented by threats and abuses the republicans from holding a public meeting in the limits of the town on some occasion during the campaign. Is this true? State what you know of it.—A. Such a statement is not true. No hinderance was ever offered to any republican meeting, to my knowledge, at any time during the last campaign. I was present on the occasion referred to, and saw nor heard any threats to any one.

Q. Some of the witnesses for Rainey said in their testimony that, on the day of the election, threats were made against the republican managers and supervisors of election. Is this true? State what you know of it.—A. I was the democratic manager at the polls myself on the day of the election; was present all day from 6 o'clock a. m. till the counting was closed at 10 o'clock p. m., and heard no threats, and knew of none.

Q. Was there any intimidation or threats by republicans against colored voters in your township? If so, tell all you know about it.—A. I do not know anything, of my own knowledge, but was told by colored men that they had been threatened by persons of their own color if they joined the democrats.

Q. Were there any arms carried to the polls or near to the polls by republicans on the day of the election? If so, state what occurred. Was anybody's premises fired into? If so, whose?—A. I know of no arms being carried to or near to the polls by republicans or democrats on the day of election. Everything went on quietly at the polls. I don't know, of my own knowledge, about the firing into Mr. Charles Spencer's premises. I heard of it, but did not see it.

Q. Was the preference policy enforced in your township?—A. It was not, and never has been. The colored people are employed now, and have the same accommodations as before the election.

Q. If United States troops had not been first threatened, and then introduced into the State and county, judging from all you saw and heard among the colored voters during the early stages of the campaign, what, in your judgment, would have been the result of the canvass in Sumter County? Would the election have gone democratic or

republican?—A. I believe that the sending of the United States troops to Sumter County influenced the colored people to vote the more solidly for the republican party than they would otherwise have done.

Q. State the facts on which you base this judgment.—A. Sending the United States troops to this State and county so strengthened the leaders of the party here in their misrepresentations as to lead the mass of colored voters to believe that the government was actively supporting the republican party against the democrats of the State, upon the conviction that if the democrats got into power their liberty and privileges would be taken from them.

Q. Was there a United States deputy marshal at the Bishopville polls on the day of the election; if so, who was he; was he a republican or democrat?—A. There was a United States deputy marshal here; don't remember his name; was a colored man—a republican—or at least I so understood.

Q. Did he take an active part in the election; if so, for what party?—A. I did not see him take any part in the election, more than to keep order.

J. A. CARNES.

Sworn to and subscribed before me at Bishopville, S. C., this 19th day of April, 1877.

[SEAL.]

C. M. HURST,
Notary Public.

WILLIAM A. JAMES sword.

Question. What is your age, and in what township did you reside during the last campaign?—Answer. I am 55 years of age, and resided in Bishopville Township during the last campaign.

Q. Harrison Witherspoon (colored) said, in his testimony for Jos. H. Rainey, that there was a rifle-club at Bishopville. Is this true?—A. There was a sort of organization here called a democratic club, but no rifle-club, that I heard of, and the members had no rifles nor arms of any sort.

Q. If there ever was a rifle-club at Bishopville, did it ever drill, and if so, how often, and when did it disband?—A. The club never drilled, so far as I know, or heard of, and disbanded as soon as President Grant's proclamation was issued. I never heard of the club after that.

Q. For what were the rifle-clubs ever organized in this county; was it to coerce and compel the colored man to vote against his wishes or to protect such colored men as desired to vote with the democrats against the threats and abuses of their own color?—A. My understanding as to why rifle-clubs were organized was for the purpose of securing to the colored man the right to vote as he pleased in the last election, whether democratic or republican, without any interference or hindrance or intimidation from any one, and not to coerce and compel the colored man to vote against his wishes for either party, and when necessary to protect those colored men who desired to vote the democratic ticket.

Q. Harrison Witherspoon and W. J. Andrews, and I believe, William E. Johnston, said in their testimony for Rainey that the citizens of Bishopville Township prevented by threats and abuses the republicans from holding a public meeting in the limits of the town on some occasion during the campaign. Is this true? State what you know of it.—A. I remember the occasion referred to. The meeting was called, as I understood, by the republican leaders in this county, and was expected would be held at the Big Oak, in center of Bishopville, where the white

citizens desired to go to hear the speeches of the leaders, but after forming into procession, and marching and countermarching, the meeting was organized and held at the colored people's church in the edge of town, and there continued for hours without molestation from any one.

Q. Some of the witnesses for Rainey said in their testimony that on the day of the election, threats were made against the republican managers and supervisors of election. Is this true? State what you know of it.—A. No. Such a statement is not true. I was present at the polls all day. I was clerk for the board of managers, and I heard no threats made, and there were no threats made, so far as I have ever heard since, against any of the managers or supervisors of election.

Q. Was there any intimidation or threats by republicans against colored voters in your township? If so, tell all you know about it.—A. I heard none; don't know of my own knowledge of any intimidation or threats by republicans against colored voters.

Q. Were there any arms carried to the polls or near to the polls by republicans on the day of the election? If so, state what occurred. Was anybody's premises fired into? If so, whose?—A. I saw no arms carried to the polls or near the polls on the day of election by any one. I heard of the shooting at Mr. Spencer's residence, but don't know anything about it of my own knowledge.

Q. Was the preference policy enforced in your township?—A. No, and never has been, to my knowledge.

Q. If United States troops had not been first threatened and then introduced into the State and county, judging from all you saw and heard among the colored voters during the early stages of the campaign, what, in your judgment, would have been the result of the canvass in Sumter County? Would the election have gone democratic or republican?—A. I can't say for the county, as I was away from home very little during the campaign, but I am sure a great many more colored men would have voted the democratic ticket here, at Bishopville, had it not been for the introduction of United States troops into the State and county.

Q. State the facts on which you base this judgment.—A. Before the troops were introduced into Sumter County, numbers of the colored people expressed a desire and willingness to vote the democratic ticket with the white people; but after the United States troops came they ceased all communication with the whites, submitted themselves entirely to the dictation and control of their leaders, and appeared to consider the presence of the troops here as an indication of the active support of the republican party by the United States Government, and the reason why they must vote the republican ticket.

Q. Was there a United States deputy marshal at the Bishopville polls on the day of the election? If so, who was he? Was he a republican or democrat?—A. There was a United States deputy marshal at the Bishopville polls on the day of the election, a colored man; had on a badge; don't remember his name. I saw him vote the republican ticket; suppose he was a republican.

Q. Did he take an active part in the election? If so, for what party?—A. I did not see him taking an active part in the election.

W. A. JAMES.

Sworn to and subscribed before me at Bishopville, S. C., this 19th day of April, 1877.

[SEAL.]

C. M. HURST,
Notary Public.

WILLIAM B. CARNES sworn.

Question. What is your age, and in what township did you reside during the last campaign?—Answer. I will be 32 years old in next August; and resided in Bishopville Township.

Q. Harrison Witherspoon (colored) said in his testimony for Jos. H. Rainey that there was a "rifle-club" at Bishopville. Is this true?—A. No; we had no rifle-club here; we had an organization at Bishopville which had for its purpose the protection of all classes of citizens; to keep order in the community and to secure to the colored voters the right to vote as they pleased without fear of or molestation from any one.

Q. If there ever was a rifle-club at Bishopville, did it ever drill; and if so, how often, and when did it disband?—A. The organization of which I speak, and it was the only one formed here during the campaign, never drilled; the members had no arms—and disbanded immediately after Governor Chamberlain's proclamation was issued.

Q. For what were the rifle-clubs ever organized in this county; was it to coerce and compel the colored man to vote against his wishes, or to protect such colored men as desired to vote with the democrats against the threats and abuses of their own color?—A. I never had any connection with any rifle-club. I was a member of the organization above referred to, and its object has already been stated.

Q. Harrison Witherspoon and W. J. Andrews and, I believe, William E. Johnston said in their testimony for Rainey that the citizens of Bishopville Township prevented, by threats and abuses, the republicans from holding a public meeting in the town on some occasion. Is this true? State what you know of it.—A. No; it is not true. We had no objection to the republicans holding their meeting in the town of Bishopville, but rather desired that they would, as we, the white people, wanted to hear the speeches of their leaders—to hear what they had to say—and we were disappointed when the republicans left town and held their meeting at the church in the edge of town. Myself and a few other white persons went to the meeting, and there was no interference by us or any one else with their meeting or speakers in any way.

Q. Some of the witnesses for Rainey said in their testimony that on the day of the election, threats were made against the republican managers and supervisors of election. Is this true? State what you know of it.—A. No; it is not true. No threats were made by any one against the republican managers or supervisors of election. The white people endeavored to have a quiet day and a peaceable election, and there was no threats.

Q. Was there any intimidation or threats by republicans against colored voters in your township? If so, tell all you know about it.—A. I can't say so of my own knowledge, but I was so informed during the campaign by several of the colored voters—that threats had been made against them in case they voted the democratic ticket.

Q. Were there any arms carried to the polls or near to the polls by republicans on the day of the election? If so, state what occurred. Was anybody's premises fired into? If so, whose?—A. I did not see any. I heard about the firing into Mr. Spencer's front yard and garden. I did not see the persons at the time, but I saw a number of negro men, four or five, on that day coming into town, cursing and yelling; were coming then from the direction of Mr. Spencer's residence, and they created some excitement.

Q. Was the preference policy enforced in your township?—A. No, it was not, to my knowledge.

Q. If United States troops had not been first threatened and then

Q. Was there any threats or any intimidation in your neighborhood during the campaign by republicans against their own color? If so, state all you know.—A. Yes. I know that there was threats on account of politics between colored persons. In one instance, I heard one colored man favoring the democrats and three or four others, all colored republicans, wanted to bonnce him. I interfered and prevented any fighting between them. This happened right here at my store.

Q. If the United States troops had not been threatened first, and then introduced into the State and into the county, what in your judgment would have been the result of the canvass in Sumter County?—A. I don't know what would have been the result in this county.

Cross-examined by Mr. T. J. Tuomey, in reply:

Q. Did blows pass in the altercation you have referred to?—A. No; I saw no blows.

Q. Do not colored persons seem more earnest than they really are in their cause?—A. Yes. There were no blows struck, and the affair ended peaceably.

Q. How far were the troops stationed from this precinct?—A. Sixteen miles.

Q. Was the election a fair one in this precinct?—A. I think it was.

B. J. BARNETT.

Sworn to and subscribed before me, at Carter's Crossing, S. C., this 19th day of April, 1877.

[SEAL.]

C. M. HURST,
Notary Public.

(Mr. T. J. Tuomey here objected to the taking of testimony by C. M. Hurst, as notary public, as the notice served on the contestee was for taking of testimony by C. M. Hurst as United States commissioner.)

JOHN W. WESBERRY sworn.

(Mr. T. J. Tuomey objected to this witness upon the ground that no legal notice had been served by contestant upon the contestee, and that his name does not appear among the list of witnesses to be examined at Carter's Crossing in the notice served.)

Question. What is your age, and in what township did you reside during the last campaign?—Answer. I am 39 years of age, and resided in Swimming Township during the last campaign.

Q. Where were you on the day of the last election?—A. I was at Swimming Pens precinct.

Q. Were there any threats or any intimidation in your neighborhood during the campaign by republicans against their own color? If so, state all you know.

A. None that I know of.

Q. If the United States troops had not been threatened first and then introduced into the State and into the county, what, in your judgment, would have been the result of the canvass in Sumter County?—

A. I don't think it could have had any effect upon the result in this county.

Q. In the speech made by Capt. John S. Richardson at Mayesville during the last campaign, did he advocate forcing the colored people to vote with the democrats?—A. He did not. I was present; was quite near him, and paid particular attention to what he said.

Q. With what particular party did you work during the campaign?—A. With the republican party.

(The last question objected to by Mr. T. J. Tuomey, on the ground that it was not in rebuttal.)

Q. Was the speech referred to and delivered by Capt. John S. Richardson at Mayesville, S. C., during the last campaign an extremely democratic or was it a conservative speech?—A. It was very conservative. I considered it a good republican speech, and he advocated the free use of the ballot, condemned all violence, and assured the colored people that their right to vote as they pleased should be respected and secured to them.

(All of the foregoing testimony objected to by Mr. Tuomey as not being in rebuttal.)

J. W. WESBERRY.

Sworn to and subscribed before me, at Carter's Crossing, this 19th day of April, 1877.

[SEAL.]

C. M. HURST,
Notary Public.

ANTHONY MARTIN sworn.

Question. What is your age, and in what township did you reside during the last campaign?—Answer. My age is 27 years. I resided in Swimming Pens Township during the last campaign.

Q. Where were you on the day of the last election?—A. I was at Swimming Pens voting-precinct.

Q. Who acted as clerk to the board of managers at Carter's Crossing?—A. I don't know; I was not there.

Q. Were there any threats or any intimidation in your neighborhood during the campaign by republicans against their own color? If so, state all you know.—A. I did not hear any.

Q. If the United States troops had not been threatened first, and then introduced into the State and into the county, what in your judgment would have been the result of the canvass in Sumter County?—A. I do not know; I never heard any one say.

ANTHONY MARTIN.

Sworn to and subscribed to before me at Carter's Crossing, S. C., this 19th day of April, 1877.

[SEAL.]

C. M. HURST,
Notary Public.

THOMAS BOONE sworn.

Question. What is your age, and in what township did you reside during the last campaign?—Answer. Forty-one years of age, and resided in Swimming Pens Township during last campaign.

Q. Where were you on the day of the last election?—A. At Swimming Pens voting-precinct.

Q. Were there any threats or any intimidation in your neighborhood during the campaign by republicans against their own color? If so, state all you know.—A. Yes. I was threatened of being whipped if I voted the democratic ticket; about thirty colored men surrounded me at Mount Olivet church, in this county, during the campaign, at a camp meeting, and threatened if I voted the democratic ticket they would whip me. I heard colored men call other colored men dogs because they were siding with the democrats.

Q. If the United States troops had not been threatened first, and then introduced into the State, and into the county, what in your judgment

TESTIMONY IN REBUTTAL TAKEN AT PROVIDENCE, S. C.

JOHN S. RICHARDSON, CONTESTANT, }
 against } Contested election.
 JOSEPH H. RAINEY, CONTESTEE. }

SOUTH CAROLINA,

First Congressional District:

PROVIDENCE, SUMTER, S. C., April 20, 1877.

Mr. T. J. Tuomey, on the part of contestee, made objections to C. M. Hurst taking testimony as notary public, upon the ground that the notice served upon the contestee was of his procedure as United States commissioner, and further, because as United States commissioner he is not allowed to take testimony.

C. M. HURST,
Notary Public.

Testimony taken in rebuttal.

JOHN S. RICHARDSON, CONTESTANT, }
 against } Contested election.
 JOSEPH H. RAINEY, CONTESTEE. }

PROVIDENCE, SUMTER COUNTY, S. C.,
 April 20, 1877.

SOUTH CAROLINA,

First Congressional District:

JOHN F. BALLARD sworn.

Question. What is your age, and where were you on the day of the last election?—Answer. My age is 67 years. I was here at Providence on the day of the last election.

Q. Were there any arms at or near the polls at Providence on the day of the election?—A. I can't say.

Q. Who carried the arms there, or in whose control or possession were they?—A. I don't know anything about them.

Q. Were there any threats or intimidation used by republicans against their own color during the campaign? If so, state all you know about this.—A. I know nothing about it. I did not hear any threats. I was told by a colored man, Sam Moses, that he was threatened with death—with being killed—if he voted the democratic ticket. I inferred that he was speaking of the colored people.

Q. Who swore the voters on the day of the last election at the Providence polls and how was the oath administered? Was it administered to one person at a time or to several at once?—A. I do not recollect. I remained but a short time at the polls after voting. I do not recollect whether I was sworn alone or with others.

Q. Was it safe for a colored man to vote openly the democratic ticket at the Providence polls?—A. I can't say anything about that.

Q. How were the votes counted at that poll? Describe it particularly.—A. I was not present at the counting of the votes.

Q. Was each and every name read off from each and every ticket, or were the tickets merely assorted?—A. I don't know.

Q. Were the votes counted at the place where the election was held and immediately upon the close of the polls? If not, state how.—A. I was not present, and can't tell.

Q. If United States troops had not been first threatened and then actually introduced into the State and county, what would have been, in your judgment, the result of the canvass in Sumter County?—A. I can't say. Have not thought about it.

Q. State the facts on which you base this judgment. Did any one act as United States deputy marshal at Providence poll? If so, who did? Was he a republican or democrat?—A. I don't know.

Q. Did he take an active part in the election? and, if so, for what party?—A. I don't know.

Cross-examined by Mr. T. J. Tuomey in reply:

Q. Did you hear any threats on the day of the election?—A. I did not.

Q. Did the election pass off quietly at Providence voting-precinct?—A. Everything was quiet while I was there.

Q. Do you know of your own knowledge whether those persons who threatened Sam Moses were white or colored people?—A. I do not.

JOHN F. BALLARD.

Sworn to and subscribed before me, at Providence, S. C., this 20th day of April, 1877.

[SEAL.]

C. M. HURST,
Notary Public.

JAMES S. FOLK sworn.

Question. What is your age, and where were you on the day of the last election?—Answer. My age is 37 years, and I was at Providence on the day of the election.

Q. Were there any arms at or near the polls at Providence on the day of the election?—A. I saw none during the day, but I saw some that night—were two or three guns in the hands of people coming down from Rafting Creek, with the Rafting Creek box.

Q. Were there any threats or intimidation used by republicans against their own color during the campaign? If so, state all you know about this.—A. Sam Moses, a colored man, told me that his people had threatened to kill him, and would turn him out of the church if he voted the democratic ticket; and Jim Taylor, another colored man, told me that the negroes told him that any two of them could go and take him out and whip him after the election if he voted for Hampton; and I heard Albert Dargan tell Captain Gaillard that he (Albert Dargan) had seen no peace at home since he joined the democratic club on account of joining the club, and that he would have to vote the republican ticket; that he could not vote the democratic ticket on account of the threats made.

Q. Who swore the voters on the day of the last election at the Providence polls, and how was the oath administered? Was it administered to one person at a time, or to several at once?—A. Albert Spears, one of the managers, swore the voters. I was sworn alone. I could not swear positively as to whether the voters were sworn in groups.

Q. Was it safe for a colored man to vote openly the democratic ticket at the Providence polls?—A. I can't say positively, but I know that the few colored men who did vote the democratic ticket at the Providence polls at the last election went away immediately after voting.

Q. How were the votes counted at that poll? Describe particularly.—A. The votes were not counted at the polling-place, but were brought to my store, a distance of about three hundred yards, and there counted. The managers, with about one hundred and fifty other persons, brought the box. I gave permission to count the votes at my store if only the managers, supervisors, and deputy marshal came in. They then came

in—the crowd remaining outside—and counted the votes. The door was left open, with a guard, during the counting of the votes.

Q. Was each and every name read off from each and every ticket, or were the tickets merely assorted?—A. Each and every name was not read off, but the tickets were assorted, then counted accordingly, and a vote given to every man, according to the number of votes in the piles. The straight tickets being counted, and each candidate receiving in the counting the number of votes credited to him; and the scratched tickets were also assorted, and the several candidates received credit for the number of votes due to him. The votes were then put back into the box and sealed up.

Q. Were the votes counted at the place where the election was held and immediately upon the close of the polls? If not, state how.—A. The votes were not counted at the place where the election was held, immediately, but the box was brought to my store, about three hundred yards from the polling place, and the votes counted there. They brought the box just at dark, but I don't know when the polls closed. I have already stated how the votes were counted. I saw them counted just as I have described.

Q. If United States troops had not been first threatened and then actually introduced into the State and county, what would have been, in your judgment, the result of the canvass in Sumter County?—A. I think there would have been some difference—more negroes would have voted the democratic ticket, but I think the election would have gone republican.

Q. State the facts on which you base this judgment.—A. I think the negroes believed that the troops were sent here to strengthen the republican cause, and therefore they voted the republican ticket; that is, a few of them, the ignorant ones.

Q. Did any one act as United States deputy marshal at Providence poll? If so, who did? Was he a republican or democrat?—A. Yes; a colored man. I don't know whether he was a republican or democrat.

Q. Did he take an active part in the election; and, if so, for what party?—A. I don't know.

Q. Do you believe that there would have been as many republican votes polled at Providence polls as were if the troops had not been in the county?—A. I don't know.

Cross-examined by Mr. T. J. Tuomey in reply:

Q. Did Sam Moses tell you that he was threatened to be whipped?—A. No; I said he told me he was threatened to be killed.

Q. Did those colored men who voted the democratic ticket, at Providence precinct, on the day of the last election, go away unmolested, said election being on November 7, 1876?—A. Yes; they did.

Q. Was the election-box brought to your store by the managers?—A. It was.

Q. Was one of those managers a democrat?—A. He was, and kept the list.

Q. Do you think that the votes were honestly counted; and did each candidate get credit for the full number of votes polled for him?—A. I think they were honestly counted, and each candidate got what belonged to him.

Q. Was the election held in a house or in the open air?—A. Was held in a house without a roof.

Q. Did not a rain come up about dusk that day?—A. Was drizzling all day. I think the box was brought to my store to get out of the rain and to get lights.

Q. Were there any troops stationed at this precinct?—A. There was not, and not nearer than twelve miles.

Q. What difference would have resulted if the United States troops had not been stationed in this State and county?—A. The county would have gone republican; but I think there would have been a small difference in favor of the democrats.

JAS. S. FOLK.

Sworn to and subscribed before me at Providence, S. C., this 20th day of April, 1877.

[SEAL.]

C. M. HURST,
Notary Public.

THOMAS D. FOXWORTH sworn.

Question. What is your age, and where were you on the day of the last election?—Answer. I am 54 years old. I was at several places during the day, and was at Privateer and Sumter election precincts.

Q. Were there any arms at or near the polls at Providence on the day of the election?—A. I don't know; I was not there.

Q. Was there any threats or intimidation used by republicans against their own color during the campaign? If so, state all you know about this.—A. Yes, there were threats. I did not hear any threats; but several of the colored men told me during the campaign, before the election, that they were afraid for their lives and property if they voted the democratic ticket. They said they were threatened so by the colored people in the neighborhood. Several of the colored voters told me that they wanted to go with the democrats and would vote the democratic ticket, but they were afraid for their lives and property.

Q. If United States troops had not been first threatened and then in actually introduced into the State and county, what would have been, your judgment, the result of the canvass in Sumter County?—A. It would have been stronger for the democrats. I think the county would have gone republican.

Q. State the facts on which you base this judgment.—A. Because the colored people had such a strong majority over the whites.

Q. Did the colored people of Sumter County take any interest in the last election at all until the United States troops were introduced into the State?—A. I can't say whether they did or not.

Cross-examined by T. J. Tuomey in reply:

Q. Were you at Providence precinct on the day of the election?—A. No.

Q. Was any force or violence used at any one of the precincts you were at?—A. No. I was but a few minutes at either.

Q. State the names of those colored persons who told you that they were threatened, and by whom were they threatened?—A. Mike Peterson and others, whose names I don't remember.

Q. Where did Mike Peterson vote the day of election?—A. He went to Privateer; I don't know if he voted.

Q. Did you hear of any one being molested during the canvass for his opinion?—A. I don't remember.

Q. How do you know that the troops would have changed the result of the election?—A. It buoyed up the colored people and protected them in the way they were to vote.

Q. Did not Mr. Hurst propound to Mr. Gaillard a question to ask of you?—A. I don't remember.

T. D. FOXWORTH.

Sworn to and subscribed before me, at Providence, S. C., this 20th day of April, 1877.

[SEAL.]

C. M. HURST,
Notary Public.

JOSHUA MYERS sworn.

Question. What is your age, and where were you on the day of the last election?—Answer. I am 65 years of age, and voted at Providence precinct on the day of the last election.

Q. Were there any arms at or near the polls at Providence on the day of the election?—A. I did not see any.

Q. Were there any threats or intimidation used by republicans against their own color during the campaign? If so, state all you know about this.—A. I did not hear any.

Q. Who swore the voters on the day of the last election at Providence polls, and how was the oath administered; was it administered to one person at a time or to several at once?—A. I was there but a few minutes. I was sworn alone, and was sworn by Marcus Spann, one of the managers, and saw only one other person sworn, and he was sworn alone.

Q. Was it safe for a colored man to vote openly the democratic ticket at the Providence poll?—A. I did not see anything to the contrary.

Q. How were the votes counted at that poll? Describe particularly.—A. I don't know.

Q. If United States troops had not been first threatened and then actually introduced into this State and county, what would have been, in your judgment, the result of the canvass in Sumter County?—A. My impression is that if the United States troops had not been introduced into the State and county the republican majority would not have been as large as it was.

Q. State the facts upon which you base this judgment.—A. I think the introduction of United States troops into Sumter County had the effect to change the mind of many of the colored people who had made up their minds to vote the democratic ticket, and caused them to vote the republican ticket.

Q. Did any one act as United States deputy marshal at Providence poll? If so, who did? Was he a republican or a democrat?—A. I do not know.

Q. Did any colored voter tell you of his having been threatened for voting the democratic ticket?—A. No.

Cross-examined by Mr. T. J. Tuomey in reply:

Q. Was there any intimidation used by any people of any color toward any one?—A. I know of none.

Q. Did the introduction of troops into Sumter protect people in their right to vote?—A. I don't know that the introduction of the troops into Sumter County protected anybody in his right to vote or prevented any bloodshed.

Q. Did the United States marshal interfere with any one in his right to vote?—A. I don't know; I did not see any one.

JOSHUA MYERS.

Sworn to and subscribed before me at Providence, S. C., this 20th day of April, 1877.

[SEAL.]

C. M. HURST,
Notary Public.

WILLIAM T. WATTS sworn.

Question. What is your age, and where were you on the day of the last election?—Answer. I am 59 years of age, and I was here at Providence on day of last election.

Q. Were there any arms at or near the polls at Providence on the day of the election?—A. I don't know. I was there but a few minutes.

Q. Were there any threats or intimidation used by republicans against their own color during the campaign? If so, state all you know about this.—A. Not that I know of.

Q. Who swore the voters on the day of the last election at the Providence polls, and how was the oath administered; was it administered to one person at a time or to several at once?—A. Albert Spears, one of the managers at the Providence polls, administered the oath to me and three or four more at the same time.

Q. Was it safe for a colored man to vote openly the democratic ticket at the Providence polls?—A. I don't think he would have been disturbed. I don't think he would have been safe.

Q. Why do you think it would not have been safe?

(Mr. T. J. Tuomey objected to the last question as not being in rebuttal.)

A. Because I think that he might have been disturbed after he left there.

Q. Were the votes counted at the polls?—A. I don't know; I was not there.

Q. If United States troops had not been first threatened and then actually introduced into the State and county, what would have been, in your judgment, the result of the canvass in Sumter County?—A. I think the democrats would have gotten a great many more votes, but that the republicans would have carried the county.

Q. State the facts on which you base this judgment.—A. I think the United States troops caused a great many colored people to vote the republican ticket who would not have done so if the troops had not been here.

Q. Did any one act as United States deputy marshal at Providence polls? If so, who did? Was he a republican or democrat?—A. I don't know.

Cross-examined by T. J. Tuomey in reply:

Q. Did any colored men vote the democratic ticket on the day of the election?—A. I suppose they did, but I did not see them.

Q. Was any one molested for voting the way they pleased on that day?—A. No.

Q. Who first threatened to bring the United States troops into Sumter County?—A. I don't know.

Q. Were there any United States troops stationed at the voting-precinct which you were at on the day of election?—A. No.

Q. How then did they cause the colored people to vote the republican ticket at Providence?—A. Because they knew they would be protected.

Question in reply:

Q. From what were they protected?—A. Protected from one party.

W. T. WATTS

Sworn to and subscribed before me at Providence, S. C., this 20th day of April, 1877.

[SEAL.]

C. M. HURST,
Notary Public.

THOMAS B. JACKSON sworn.

Question. What is your age, and where were you on the day of the election?—Answer. Twenty-eight years of age, and at Providence poll.

Q. Were there any arms at or near the polls at Providence on the day of the election?—A. I did not see any at the polls, but at about three hundred yards from the polls I saw two negroes have guns.

Q. Who carried the arms there, and in whose control or possession were they?—A. I do not know who the persons were. I saw them in the possession of two negroes.

Q. Were there any threats or intimidation used by republicans against their own color during the campaign? If so, state all you know about this.—A. I know of none.

Q. Who swore the voters on the day of the last election, at the Providence polls, and how was the oath administered; to one person at a time or to several at once?—A. Marcus Spann swore me alone; was about 6½ or 7 o'clock a. m. I don't know as to others, whether one or more were sworn at a time.

Q. Was it safe for a colored man to vote openly the democratic ticket at the Providence polls?—A. Yes; I think it was.

Q. How were the votes counted at that poll? Describe particularly.—A. I don't know; was not there.

Q. If United States troops had not been first threatened and then actually introduced into the State and county, what would have been, in your judgment, the result of the canvass in Sumter County?—A. I think it would have been much stronger for the democratic party.

Q. State the facts on which you base this judgment.—A. I think the colored people were strengthened to vote the republican ticket, and were not left to vote their own way.

Q. Did any one act as United States deputy marshal at Providence poll? If so, who did; was he a republican or democrat?—A. Yes. A colored man; don't know his name nor what he was; took no part in the election.

Cross-examined by Mr. T. J. Tuomey in reply:

Q. How many colored men with guns, and how many guns, did you see that day?—A. Two men and two guns.

Q. Were there any troops at Providence poll on day of the election?—A. No.

Q. Did any colored men vote the democratic ticket on the day of the election?—A. They did; I think five or six.

Q. Did any one molest those men for voting that ticket?—A. No; I did not see any one molest them.

Q. Did you see or hear of the troops influencing the colored people to vote any ticket?—A. No; I did not see or hear of any.

THOS. B. JACKSON.

Sworn to and subscribed before me at Providence, S. C., this 20th day of April, 1877.

C. M. HURST,
Notary Public.

The foregoing testimony, not in rebuttal, objected to by Mr. T. J. Tuomey for contestee.

[SEAL.]

C. M. HURST,
Notary Public.

Notice to take testimony in rebuttal.

JOHN S. RICHARDSON, CONTESTANT, }
against } Contested election.
 JOSEPH H. RAINEY, CONTESTEE. }

SOUTH CAROLINA, *First Congressional district*:

To JOSEPH H. RAINEY:

You will take notice that I shall take testimony in rebuttal before C. M. Hurst, United States commissioner, at Concord, Sumter County, S. C., on the 21st day of April, instant; the testimony to be read and used as evidence in the cause above stated and the examination to be adjourned from day to day. I will examine the following-named witnesses, all residents of Sumter County, S. C., to wit: W. J. Durant, Jas. B. Brunson, R. C. McFaddin, J. D. McFaddin, William Frierson, W. J. Pringle, Jack Pringle, Thos. Pringle, D. W. Merryman, Robert Moore, Isaac Montgomery, J. B. Fort, Junius Grey, Thos. Frierson, Butler McCoy, Thos. Frierson, Naro James, Miller McFaddin, Moses Frierson, Hanibald James.

J. S. RICHARDSON.

SUMTER, S. C., *April 13, 1877.*

STATE OF SOUTH CAROLINA,
Darlington County:

Personally appears Calvin Josey, sheriff's deputy for said county, who on oath says he served the within notice personally on D. D. McColl, attorney for Joseph H. Rainey in the case stated within, by leaving with him a copy of the same on the 13th April, 1877, at Darlington Court-House in said county.

CALVIN JOSEY.

Sworn before me the 14th April, 1877.
 [SEAL.]

J. J. WARD,
Notary Public.

TESTIMONY IN REBUTTAL TAKEN AT CONCORD, S. C.

SOUTH CAROLINA,
First Congressional District:

JOHN S. RICHARDSON, CONTESTANT, }
against } Contested election.
 JOSEPH H. RAINEY, CONTESTEE. }

CONCORD, SUMTER COUNTY, SOUTH CAROLINA,
April 21, 1877.

(Objections made by Mr. T. J. Tuomey, for contestee, upon the ground that the notice given to contestee was of C. M. Hurst, acting as United States commissioner; therefore objecting to his acting as notary public and also that as United States commissioner C. M. Hurst has no right, to take testimony.)

WILLIAM J. PRINGLE sworn.

Question. What is your age, and in what township did you reside during the last campaign?—Answer. Forty-three years; resided in Concord Township.

H. Mis. 7—44.

Q. Was there a democratic club in your township? Did the democratic club adopt and carry out any force policy during the last campaign?—A. Yes, there was a democratic club, but did not adopt and carry out any force policy during the last campaign. The meetings were all held in public—open—and the executive committee never had a meeting.

Q. Was there a rifle-club in your precinct during the campaign? If so, how often did it drill, and when did it disband?—A. We attempted to organize one; met for drill once; had no arms; lasted about ten days, and disbanded.

Q. What was your object in organizing it? Was it to compel colored voters to vote against their wishes?—A. No; emphatically no.

Q. Was it, or was it not, to afford protection to your own families, and to such colored men as desired to vote with the democrats, and let them feel that they would be protected in doing so?—A. Yes; it was for protection, not knowing but we might have trouble. This was soon after the Hamburg and Cainhoy troubles.

Q. If the United States troops had not been first threatened to be brought and then introduced into the State and county, in your judgment how would Sumter County have gone in the last election—democratic or republican?—A. In my opinion the presence of the troops had great influence in favor of the republican party, without saying how the county would have gone.

Q. State the facts on which you base this opinion.—A. Well, my reason for saying so is, that a few days before the election we expected to carry this township by at least seventy-five majority, but after the troops came, at the election we had a republican majority of about 25.

Q. What sort of influence, in your opinion, had the presence of the troops on the minds of the colored people?—A. The influence it had, I suppose, was that they believed the troops were sent here to keep them loyal to the republican party, and was so reported by them in this county.

Q. Was there any effort to terrorize the colored voters?—A. None whatever. I heard of no such talk except by one person, and he was requested to speak so no more.

Q. Was it not the policy of the democratic party to give no occasion whatever to any complaint of violence?—A. It was.

Q. Were there any threats or intimidation used by colored republicans against their own color in your precinct to make them vote the republican ticket? If so, state all you know or have heard from republicans on this point.—A. I heard of such threats being made.

Cross-examined by Mr. T. J. Tuomey in reply:

Q. Did the democrats of Concord township adopt any policy to compel colored people to leave their lands in case of their voting the republican ticket?—A. I can't say that there was or did.

Q. Were there any troops stationed at Concord voting-precinct?—A. No.

Q. Where were they stationed?—A. At Sumter, I believe—I was so informed—about seven miles from Concord precinct.

Q. Do you know where the largest democratic vote was polled?—A. I do not.

Q. Do you know whether the troops used any influence to make any person vote for either party?—A. No; I do not.

Q. You spoke of one person who spoke of using violence. Was he a democrat or a republican?—A. A democrat; but he had no influence whatever—a man without influence.

Q. Did the election at Concord precinct pass off quietly, and did the candidates get all the votes they were justly entitled to?—A. The election passed off quietly. We came near having a little fuss at one time by the United States marshal interfering with Mr. Mahony; but in regard to the votes, each candidate got all he was entitled to.

W. J. PRINGLE, M. D.

Sworn to and subscribed before me at Concord, S. C., this 21st day of April, 1877.

[SEAL.]

C. M. HURST,
Notary Public.

WILLIAM J. DURANT sworn.

Question. What is your age, and where did you reside during the last campaign?—Answer. My age is 40 years; in Concord Township.

Q. Was there a democratic club in your township, and did it adopt and carry out any force policy during the last campaign?—A. We adopted the policy not to grant favors or credit to those who voted the republican State ticket, but would extend favors and credit to those who voted the democratic State ticket; that the contracts then existing would be continued throughout the year, but would not be renewed.

Q. Was there a rifle-club organized in your township during the last campaign?—A. No. There was a club organized and called a saber-club; elected officers, drilled once, and disbanded; number not more than 30, officers and men, and had no arms. This was before the election.

Q. Was the club organized to force the colored voters to vote the democratic ticket, or was it for the purpose of protecting yourselves and families, and those colored men who required protection?—A. The club was organized solely for self-protection.

Q. If United States troops had not been threatened, and then actually brought into this State and county, what, in your judgment, would have been the result of the last election—republican or democratic?—A. I can't say as to the county, but I believe the result would have been different—would have been a democratic majority, instead of republican, in Concord Township.

Q. State the facts upon which you base this judgment.—A. Because of the reports which I heard, that the troops were sent here to see that the colored people voted the republican ticket, and that if they did not do so they would be carried to Washington in chains. I heard rumors that the colored people had been told this.

Q. Were there any threats and intimidation used by republicans against their own color in your township, to make them vote the republican ticket? If so, state all you know or heard about it.—A. I did not hear any myself. I heard of threats being made. One colored voter told me that he wanted to join the democratic club, but was afraid to do so, as he wished to join the church, and was afraid he would not be taken in if he joined the club.

W. J. DURANT.

Sworn to and subscribed before me at Concord, S. C., this 21st day of April, 1877.

[SEAL.]

C. M. HURST,
Notary Public.

ROBERT MOORE sworn.

Question. What is your age, and in what township did you reside during the last campaign, and in what township now?—Answer. Thirty six years of age, and in Concord Township.

Q. A. G. Frierson and William Moore said in their testimony for Joseph H. Rainey that you were prevented by the threats of the white people from voting as you desired to vote; is this true?—A. It is not true.

Q. How did you vote?—A. I did not vote at all.

Q. Was this of your own free will and accord?—A. I considered I was a free man, and would use my own pleasure.

his
ROBERT + MOORE.
mark.

Sworn to and subscribed before me at Concord, S. C., this 21st day of April, 1877.

[SEAL.]

C. M. HURST,
Notary Public.

THOMAS PRINGLE sworn.

Question. What is your age, and in what township did you reside during the last campaign, and where do you reside now?—Answer. About 35 years of age, and in Concord Township.

Q. How did you vote?—A. I did not vote at all.

Q. Did you refuse to vote of your own free will and accord?—A. Yes; I did not feel like voting—did not want to vote.

Cross-examined by Mr. T. J. Tuomey in reply:

Q. Was it because you feared people of your own color that you did not vote?—A. No; I was not afraid.

Q. Did any one threaten to molest you during the canvass for voting any ticket?—A. No; nobody threatened me.

his
THOMAS + PRINGLE.
mark.

Sworn to and subscribed before me at Concord, S. C., this 21st day of April, 1877.

[SEAL.]

C. M. HURST,
Notary Public.

UNITED STATES OF AMERICA,

State of South Carolina, First Congressional District:

JOHN S. RICHARDSON, CONTESTANT,
vs.

JOSEPH H. RAINEY, CONTESTEE.

} Contested congressional election.

I, Charles M. Hurst, notary public in and for the State of South Carolina, do hereby certify that twenty-four of the foregoing pages of testimony, from page 1 to page 24 inclusive, were taken before me as notary public at Bishopville, on the 18th and 19th days of April, 1877; that ten of the foregoing pages of testimony, from page 25 to page 34 inclusive, were taken before me as notary public at Carter's Crossing, on the 19th day of April, 1877; That twenty-one of the foregoing pages of testimony, from page 35 to page 55 inclusive, were taken before me as notary public at Providence, on the 20th day of April, 1877; and that nine of the foregoing pages of testimony, from page 56 to page 64 inclusive, were taken before me as notary public at Concord, on the 21st day of April, 1877; all in the county of Sumter, South Carolina, on behalf of the contestant, in accordance with notices attached, and comprising in the whole sixty-four pages of testimony; that the witnesses came before

(Objected to as being matter of opinion.)

A. No one was kept from the polls; they went up very freely when I went.

Cross-examined by counsel for contestee:

Q. How were colored democrats persecuted by republicans?—A. They were persecuted in this way: they were cursed, and said if they voted the democratic ticket they would be put back into slavery.

Q. Do you consider saying to a colored man that he would be put back into slavery, persecution?—A. I do consider it persecution.

Q. Do you consider cursing a man, persecution?—A. I do.

Q. Who did this persecution? Mention the names.—A. I could not mention no direct of names. I heard it from a good many.

Q. Who threatened you on account of your sentiments?—A. John Lang, a republican, told if a fuss commenced at the North, that is, a fight, they would go for me first.

Q. You didn't believe that, did you?

Q. What sort of a pressure was brought to bear upon colored voters by republicans?—A. If they didn't vote the democratic ticket they wouldn't rent them land.

Q. How were the lives of colored democrats in danger from their own color?—A. It was a common thing for threats to be made against the colored men who voted the democratic ticket.

Q. What kind of threats?—A. Different kinds; that we ought to mob them or beat them.

Q. Who said that?—A. It was a common thing.

Q. Mention a single name.—A. I can't do it.

Q. What democratic colored persons considered themselves in danger?—A. I could not say which one; but the republicans said they ought to be mobbed.

Q. Were colored democrats kept from voting in this county?—A. Not as I know of; I do not know of any particular one; I was not.

Q. Do you not know that it is a fact that more colored men voted the democratic ticket this time than at any election heretofore?—A. I believe that they did.

Q. Don't you believe that a great many of them were made to do so by threats of not renting land, furnishing employment, &c.?—A. I do candidly believe if that threat had not been made that the democrats would have got a great many more votes than they did from the colored men.

Redirect examination:

Q. When the counsel for contestee asked you about the pressure employed by republicans, your answer had reference to the land-pledge of the democrats; is it or not true that republicans made threats and employed other improper means to influence votes?

(Objected to as leading)

A. Well, I wouldn't like to say, because I do not know; I can't speak direct.

Q. If the colored people had been left free to vote as they liked, would not more of them have voted the democratic ticket?

(Objected to as not in reply to cross-examination; second, as being matter of opinion; third, as leading.)

A. I believe they would.

BENJAMIN ^{his} + DARGAN.
mark.

Sworn to and subscribed before me this 13th day of April, A. D. 1877.
[SEAL.] WM. J. SAUNDERS,

Notary Public.

Deposition of Sam F. Jackson.

SAM F. JACKSON, having been duly sworn and examined as a witness for contestant, testified as follows, to wit:

Question. Are you resident of this county, and were you here on the 7th of November last?—Answer. I was.

Q. What ticket did you vote?—A. I voted the scratched democratic ticket.

Q. Did you vote it freely, of your own will?—A. I did.

Q. Did you ever say the contrary to Lany Aiken or any one else?—A. No, sir.

Q. Were you at poll No. 2, Darlington precinct, on the 7th of November?—A. I was.

Q. Were you abused or threatened at this poll on account of your politics?—A. I was abused, but not threatened. In passing along the streets the women and children would abuse me. About 10 a. m. I was passing along this street, Pearl street; the women and children was upstairs, right over the poll, insulting everybody whom they thought democrats, who were colored people, until Lany Aiken, the deputy marshal, drove them out of the window.

Q. At what poll did you vote?—A. At poll No. 1.

Q. Had you any special reason for this?—A. I did. I did not wish to be insulted, or abused, or aggravated.

Q. Was it or not a common thing for colored democrats to be insulted by republicans?—A. It was.

Q. In your opinion, did the so called rifle-clubs frighten anybody into voting the democratic ticket?—A. I don't believe that they did.

(Objected to as a matter of opinion.)

Q. Do you believe that the land-pledge made any votes for the democrats?—A. I do not.

(Objected to as matter of opinion.)

Q. In the republican processions during the campaign were there any mounted men—men in uniforms and with arms?—A. There were.

Q. Do you know anything of firing in the streets by republicans coming from Timmons ville the Saturday night before the election?—A. I do not. I was in town. I was clerking for Mr. Lowenthal; it was 10 p. m., so don't know anything about it.

Cross-examination:

Q. What was the land-pledge of the democrats and the rifle-clubs for?—A. In regard to rifle-clubs I do not know what they were for, neither do I know what the land-pledge was for.

Q. If you don't know what either of these things were for, how can you say that you do not believe they influenced voters for the democrats?—A. Because I do not think they did them any good.

Q. How can you undertake to say that they did them no good when you don't know what they were for?—A. Because I thought there was no use in having them.

Q. Do you say, on your oath, that you don't know what was the object of the land-pledge, as it is called, adopted by the democrats?—A. According to my opinion, I don't know what it was for.

his
SAM F. + JACKSON.
mark.

Sworn to and subscribed before me this 13th day of April, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of Colonel Edwards.

Col. B. W. EDWARDS, having been called as a witness for the contestant, testified as follows, to wit:

Question. Were the democrats in the county, during the last campaign, organized upon a military basis or not?

(Objected to as not being in reply to contestee; second, as calling for matter of opinion.)

Answer. If I understand the question, I don't think they were. I was a member of the only clubs they had here so far as I know of. We had men who acted as our directors. I was one myself, and its purpose was solely for protection, and police duty when necessary. We were not mounted; never did have any arrangement for making raids, rides, or anything of the kind; never was in contemplation to interfere with anybody to vote as they wished to vote. Our chief fear was incendiarism, and our only object to protect those who were not behaving lawlessly, and not to interfere with them.

Q. Was organization for the purpose named, in your judgment, necessary?

(Objected to on same grounds mentioned in last question.)

A. Yes, in my judgment, at least important; and I think their effects was the preservation of the peace. They were not armed organization as such; that is, were individuals who had arms.

Q. Were not frequent attempts made to fire the town of Darlington?

(Objected to as not being in rebuttal and being foreign to the issue.)

A. Three or four attempts were made during the canvass and one or two very soon afterward. The buildings at the fair grounds were fired within a few days after the opening of the campaign at Timmonsville, and buildings were fired on the public square on two different occasions afterward; the Presbyterian church was fired a few days after the election—some weeks—and some time afterward other buildings were burnt. All these fires occurred at night.

Q. Was the policy of the democrats aggressive or not?

(Objected to as not being in rebuttal and calling for matter of opinion.)

A. It was not aggressive in the sense of violence; it was peaceful and persuasive.

Q. In what spirit was the so-called land-pledge conceived?

(Objected to as calling for opinion and not being in rebuttal.)

A. It was not vindictive, but was with a desire to open the eyes of those who had been voting for their own destruction as well as ours, to the fact of the ruin their political leaders had brought upon them as well as upon us.

Q. How many votes, in your opinion, did this measure make for the democratic party?—A. Exceedingly few, and I had abundant opportunity to form an opinion, as I rented a great deal of land myself.

Q. Is not the increased democratic vote explained by the zeal and energy with which they supported the first full ticket nominated by them since reconstruction?—A. Yes, sir. Large numbers of them had never been to the polls since reconstruction. They would not go to the polls because they hadn't a full democratic ticket out.

Q. Was the introduction of United States troops regarded by both parties as a political measure?

(Objected to as not being in rebuttal and as being matter of opinion and cumulative.)

A. It was so regarded by the democratic party, and I believe it was by the republican. The democrats so regarded it, because it was entirely unnecessary for any other purpose. When Governor Chamberlain issued his proclamation to the clubs which he styled rifle-clubs to disband, they did immediately break up their organizations and discontinued anything that might be construed military maneuvering, so that there was no pretext for sending United States troops into Darlington County.

Q. What effect had their coming upon the election?—A. It increased the republican vote and decreased the democratic vote. It was commonly said (objected to as to what the witness would say as hearsay) that the republicans told them, the colored voters, that the soldiers were sent there to see that they voted the republican ticket, and the effect upon their minds and actions verified the statement.

Q. Joe Douglas swears that you voted a colored man by the name of Titus Gadsden at poll No. 1, Darlington precinct, and that he cried; is this true?—A. I didn't see him cry. I saw Titus Gadsden about a week before the election, when he told me he intended to vote the democratic ticket and gave me his reasons for it, and told me he would come on the day of election and get his ticket from me. He did come on the day of election, and told me he had brought two or three others to vote the democratic ticket. He left me and went to hunt them, then returned, got his ticket from me, when I walked with him to the polls and saw him deposit it. I walked from the polls with him, and heard colored men taunt and jeer him, but I saw no tears or signs of regret from that day to this from Titus Gadsden.

Cross-examination:

Q. Have you not acted as attorney for contestant in this case?—A. One day only, and that at the request of Mr. Dargan, who could not be present.

Q. Who were the officers of the club to which you belonged?—A. We had several elections, and I remember at one time John Floyd was president, and J. H. Darley was vice-president, I think, and George W. Dargan was one of the vice-presidents. J. J. Wood held some position. At one time there were a number of directors connected with the organizations, of which I was one, and several of the officers named were also directors.

Q. Was the organization of the club you speak of not changed before the nomination of Hampton from what it was before?—A. The club I have spoken of was organized after the nomination of Hampton, and was composed mainly, if not entirely, of the members of the democratic club existing prior to his nomination.

Q. Was not the organization existing previous to the nomination of Hampton, that you have referred to, known as a democratic club, and was the other organized afterward commonly known as a rifle-club?—A. The former was known as a democratic club. My recollection is that the latter was designated as a democratic social club.

Q. Was it not generally known as and called a rifle-club?—A. I don't know. I think similar clubs throughout the county were spoken of as rifle-clubs. We were not armed with rifles as a club, and we were a political protective club. We called ourselves the "Tilden-Hampton Campaign Club."

Q. Did this club ever meet for purposes of drilling?—A. They did. They went through the evolutions of learning to march and keeping together in case of emergency.

Q. Were they exercised in the manual of arms?—A. When I was present those who were there having arms were.

Q. How often did they meet for those purposes?—A. My recollection is that we didn't meet for any purpose more than once a week—sometimes perhaps oftener.

Q. Is it not a fact that the younger members of that club met oftener than you have mentioned for the purpose of drilling?—A. I think not. For a week or two they may have met oftener.

Q. What kind of uniform did your club have?—A. We had none. The boys had red flannel round their hats on one or two occasions.

Q. Please designate the occasions on which they had red flannel on their hats to distinguish them.—A. I can't remember any certain day except the day that General Hampton spoke here, and perhaps at the public meeting on the 4th of November at this place.

Q. About how many similar clubs were there in this county?—A. I can't tell. I don't know of more than six or eight.

Q. About how many members were in your club?—A. Thirty to forty.

Q. About how many were in the Timmons ville club, and how did they dress?—A. Can't say. The usual dress on public occasions was a red flannel shirt for the mounted men. I saw more red on those occasions than anything else.

Q. How many different clubs were here on Hampton's day?—A. Fully as many as I have mentioned—six or eight, and perhaps more.

Q. On what day of October was it that Hampton spoke in this town?—A. I don't know.

Q. How long after Chamberlain's proclamation in reference to the disbanding of the rifle-clubs did Hampton speak in Darlington?—A. He spoke here before that proclamation, and was never here afterward.

Q. I understood you to say that the red shirts and red flannel were worn to designate the clubs. Now, if those clubs were disorganized by the proclamation of Chamberlain, how happened those designations to be worn on the 4th of November in this town at a democratic mass-meeting?—A. In the same way that republicans went in uniform to their meetings, to designate them as political and campaign organizations.

Q. To what republican organizations do you refer in your last answer?—A. I refer to township political clubs, and especially to what was called "Pee Dee Cooters," who went in uniform as mounted men in procession on the day of the republican meeting at which Mr. Rainey also spoke in this town.

Q. Were not the "Pee Dee Cooters" you refer to a torch-light company, and the only republicans you saw with any kind of uniform?—A. I understand they engaged in a torch-light procession that night, and they were the only company I saw in uniform among republicans during the campaign.

Q. Do I understand you as saying that Whipple's torch-light company, or the "Pee Dee Cooters," as you call them, were organized in the same manner as the rifle-clubs?—A. I don't know how any of the republicans were organized. They had "Wide-awake Clubs," and I think the "Pee Dee Cooters" had such a club, but I know nothing of their organization.

Q. Previous to the coming of the United States troops, was the county

peaceable and quiet or not?—A. As peaceable and quiet as usual during an exciting political campaign.

Q. I understand from this answer that there had been in this county, in previous campaigns, as much excitement as in this one. Am I right?—

A. I think not, because the democrats had never been previously thoroughly enlisted since the war. But the early part of the last campaign was much more exciting than that immediately preceding the introduction of troops.

Q. What caused this excitement?—A. Because of the arrogance of republican leaders who, seeing the democrats thoroughly aroused, were determined to maintain their supremacy.

Q. In previous campaigns had there been rifle club organizations?—A. Not to my knowledge.

Q. Were they gotten up in the last campaign owing to this increased excitement?—A. The clubs formed during the last campaign were the result of a united purpose of the democrats to carry their full strength and have a fair vote; be able to protect themselves, and so forth. At previous elections they had never been united, and had submitted to all sorts of insults, outrage, and injustice because they were not united.

Q. If this State was peaceable, quiet, and law-abiding, how does it happen that the democrats all over the State thought it necessary to form rifle-clubs for self-protection?—A. They formed rifle-clubs for self-protection because the chief executive could not and would not protect them, and because he kept arms in the hands of his militia even after he had taken arms from the hands of democrats, or even after his proclamation disarmed democrats, thus endeavoring to provoke trouble as a pretext for calling Federal troops to aid him in carrying the election.

Q. In what way could the chief executive protect democrats, and did not do it?—A. By treating them as citizens and calling upon them to protect the people, instead of brandishing in their faces State arms, while he ordered them to have none.

Q. Did the chief executive of this State disband the rifle-clubs before they were formed, and if he did not why do you give the disbanding of the rifle-clubs as the cause of their formation?—A. He did not disband them before they were formed, and I do not give the disbanding of the rifle-clubs as the cause of their formation.

Q. Have you not just said they formed rifle-clubs because the chief executive could not and would not protect them and because he kept arms in the hands of the militia after he had taken arms from the hands of the democrats?—A. In answer to one question I said that democrats had formed clubs for self-protection because the chief executive could not and would not protect them and because he kept arms in the hands of his militia, even after he had taken arms out of the hands of the democrats, by which I meant to say he even kept up his effort to provoke trouble after his proclamation, as he had been doing before.

Q. Do you mean to say that the militia in this county were for the purpose of provoking trouble?—A. I can't say that they were originally organized for that purpose.

Q. Please state in what way Chamberlain used the militia to provoke trouble.—A. I don't know that he used them in this county at all to provoke trouble, but I know that he permitted them to do it, as one of your own witnesses has proven; that one of his militia companies was out in full force, equipped with State arms, in line, during the public meeting at Timmons ville, at the very opening of the campaign, and after his proclamation he permitted the militia companies to retain their arms

and drill publicly and privately, from which I infer the animus of this campaign.

Q. How can you legitimately infer that the appearance in public of an armed militia company would provoke trouble?—A. They were for that avowed purpose, as S. J. Keith, your own witness, and captain of another militia company, told you he had avowed his purpose publicly, two or three days before the public meeting, to carry his sixteen-shooter.

Q. Did he not say as the reason of his statement that he had heard that the democrats intended to go to this republican meeting armed, and break it up or have half the time, or something to that effect?—A. I believe he did say something of that kind, but I believe he did not say that he gave that reason at the time of the announcement.

Q. Now it appears that you remember his reasons for giving the testimony you alluded to, and since you do remember it, explain as he explained it, how can you give what he testified to as an answer to my previous question?—A. I gave that as one of the evidences, as he was a witness. I heard many and many other things, and witnessed the conduct of the parties on that occasion.

Q. Don't you know that the militia companies are organized in accordance with law, and that the rifle companies in defiance of the law?—

A. I believe the militia are organized according to law, and were under the command of the chief executive by law, and were at Timmons ville and elsewhere either under his orders and direction or in violation of the law. The rifle companies were not organized in defiance of the law, and Mr. Chamberlain, in my judgment as a lawyer, had no right to disband them by proclamation on the ground contained in his proclamation.

Q. Don't you know as a lawyer that the statute law of this State does prohibit the organization of companies for the purpose of drilling and exercising the manual of arms, and so forth, unless the same be part of the militia of the State or special charter granted?—A. I know there is a clause of that kind in the statute of only doubtful constitutionality. (The last portion of this answer is objected to as being volunteered by the witness as opinion, and not in response to the question. The question is objected to as not being the highest evidence of the fact.) After the objection, I wish to state that the statute does not provide that the remedy for its violation shall be by proclamation from the governor but penalties are imposed for its violation, to be ascertained judicially.

Q. The meeting you refer to at Timmons ville was called by the republicans, was it not, of this county?—A. Yes, sir.

Q. Was it not the policy of the democrats of this State, as announced in the public press of the State and otherwise, in the beginning of the campaign, to attend republican meetings in force and demand part of the time?—A. It was not. The executive committee of the democratic party of the State announced in the papers, as the policy they desired pursued, that we invite republicans for public discussion and participation of time, in order to enlighten voters by fair and dispassionate argument. In this county we did so invite them.

Q. Haven't you seen in the public press of this State repeated notices of republican meetings being attended by democrats in force, and time demanded?—A. I saw statements in the papers of a very few, perhaps not more than two or three such instances; but it was not the policy of the democratic campaign to demand time or interrupt republican meetings. (This question objected to, as to counties not named in the pleadings.) I don't remember hearing of such demands being made within this congressional district during the campaign, except at Timmons ville,

and that was put upon the ground that the democrats helped to build the platform.

Q. Did not the democrats turn out in large numbers, armed, to this Timmons ville meeting?—A. The democrats turned out in large numbers, both mounted and on foot, and among them I saw, I think, as many as fifty guns while in procession, and some pistols, but not many.

Q. Don't you believe that they were generally armed at that meeting?—A. I believe that both parties were pretty generally armed. A republican at the close of the meeting, in conversation with me about it, told me that he had a pistol in his pocket, and he presumed they all had; didn't have arms.

Q. Didn't you have one yourself?—A. Yes, sir; but nobody saw it that day.

Q. Why was it necessary to go armed in this way to demand time at a republican meeting?—A. I had heard of many threats having been made by republicans as to carrying arms and shedding blood, and thought it prudent to have some protection about my person. I had some influence with the colored people, as I thought, and also with the white people, and my only reason, and avowed reason, in going there was to act in the interest of peace and good order.

Q. Did you hear any threats from republicans that there would be any shedding of blood on their part unless they were attacked?—A. I did not hear any republican make any threats. I don't remember upon what hypothesis threats heard of were based; but I believe that it was not the intention of the masses on either side to provoke a row.

Q. You say that the democrats made this demand for time because they assisted in the erection of the stand; upon what ground did they make the demand after the republicans left the stand?—A. There was no such demand made.

Q. Why did the democrats on that occasion persist in following the republicans up to their second stand, if they believed such a state of feeling existed as justified them in going there armed, as you say, for self-protection?—A. They did not follow them to the second stand until the speaking had closed by the democrats, and nearly closed by the republicans, and then only went after receiving a message from the republican meeting that they would not object to our going to their stand and listening to them.

Q. Why did they request to go to hear them under the circumstances as mentioned in the last question?—A. Because they believed that their presence would restrain the republican speakers from the enormous misrepresentations that they were in the habit of making of democrats and their designs; and they requested it because they wanted to assure them that they went there with no hostility of purpose.

Q. How could it be their purpose to restrain misrepresentations, if, as you say, the meeting was about over, and mention this fact as one of the reasons for going in a preceding answer?—A. We sent the request, as I understood it, before Mr. Whittemore, who was the last speaker, had spoken, and we knew that he had been in the habit of making diabolical misrepresentations in his speeches. We did get there before Mr. Whittemore was through, and it did have the effect. He was very tame after we got there.

Q. You say that the rifle-clubs were gotten up for the protection of persons and property, and mentioned police duty in town; do you say that any of these clubs, as such, did such duty; or did they do it as citizens, with others?—A. I said the clubs called rifle-clubs were politico-protective clubs, partly for the purposes named in the question and

partly to push the canvass politically; and I do say that the club in town did police duty, and a good deal of it, under appointment of our organization officers, and it was necessary on account of the inefficient town council.

Q. Outside of the pushing of the political campaign, did they have any duties to perform except the policing that you have mentioned?—

A. There were no other assigned duties so far as I know; but they were in the habit of assembling and going at the call of their officers whenever they were needed for protection. The Ebenezer club, ten miles from Darlington, assembled and proceeded within a few miles of Darlington Court-House on the night that the fair-buildings were burned, for the purpose of helping and protecting the community; but hearing that the fire had subsided they returned home.

Q. During the campaign, or shortly before it, were not arms and ammunition brought to this county by the democrats?—A. Yes, sir; some were brought here by myself as an individual, and I am a democrat. I brought a Spencer rifle and a pistol, with ammunition, for my personal use and protection, and not for drilling purposes or war purposes, and I know others did similarly.

Q. About how many others did so at the same time as you did?—A. I think about from eight to twelve persons sent and got Spencer rifles at the time I got one.

Q. In your opinion, and haven't you reason to know, that a great many arms were brought into this county by the democrats, as in your case?

(Objected to as being immaterial, and calling for an expression of an opinion, and as having nothing in God's world to do with the issue.)

A. I believe that a good many were brought, but not for offensive purposes.

(Objected to as to so much as not responsive to the question.)

Q. In your opinion, on election-day, how many arms were stored at convenient distance in this town from the polls by the democrats?—A. I do not know of any, and I do not believe there were any; if so, very few.

Q. How many guns were taken out of the jail on the day after the election?—A. I do not know; I saw several brought out by individuals, one by one.

Q. How many do you call several?—A. From three to six.

Q. Haven't you heard that democrats, or *the* democrats, had guns on election-day at Jack Pierce's, at Mr. Early's, and at the drug store, or some of those places?—A. I don't remember to have heard so.

Q. Was it not currently reported shortly previous to the election that a quantity of ammunition was received by Dr. Boyd?—A. I did not hear it; the guns that I have spoken of were ordered by Dr. Boyd or some of his clerks early in the campaign.

Q. About how many colored men voted the democratic ticket at the last election?—A. I think in the neighborhood of three hundred.

Q. Did anything like this number ever vote it before?—A. I think not; because efficient campaigning was never done before by the democrats.

Q. Did not the democrats in this county poll their full strength at the last election?—A. What I would call their full strength; some did not vote.

Q. Why not?—A. I don't know.

Q. Is it not a fact that at the poll in this county near which the greater portion of the troops in the county were stationed the greatest colored democratic vote was obtained?—A. I have heard so; I did not

see the military, nor witness the polling, nor witness the summing up of the vote.

Q. Was not the pledge entered into by the democrats in this county, heretofore offered in evidence in this case, made and adopted to deter colored men from voting against them?—A. Not to deter them from voting against them, but to influence them to vote against dishonest radical home rule.

Q. Didn't you yourself tell the colored people publicly and privately that if they voted against the democrats, or, as you called it, your interest, that you would not employ them or rent them land?—A. I told them if they voted against my interest, and the property interest, and their own interest, by supporting dishonest radical home rule, that I would not enter into contracts with them for the rent of lands the succeeding year. I did not tell them I would not employ them, nor was that a part of our policy, save in very exceptional cases.

Q. Was it not the instructions of your clubs for to note the names of leaders among the republicans in each neighborhood, and the clubs pledged themselves on account of this prominence not to allow them homes?—A. It was a part of our policy to proscribe such obnoxious leaders and bad men as should be designated for that purpose by our executive committee.

Q. Were not all republican leaders considered obnoxious to democrats?—A. Antagonistic, but not obnoxious for the purpose of proscription.

Q. Didn't you take it upon yourself to inform Titus Gadsden that he couldn't stay upon your lands if he voted against you?—A. I think not. Upon our first interview he told me, before I said anything of the kind to him, that he was going to vote the democratic ticket, because a prominent radical leader, as well as others, had abused his confidence, and gave him some campaign items, and I heard made harangues to the colored people himself.

Q. What was the republican vote of this county at the last election?—A. About 3,300—perhaps 3,500 or 3,600.

Q. What was the democratic vote of this county?—A. It was about 750 or 760 under the republican vote, according to the count.

Q. How much did the white vote of this county exceed the census taken by the democrats?—A. Don't think it exceeded it but very little.

Q. How do you say that the democratic vote was decreased by the coming of the troops, when you know that they polled their full strength in this county, and when you have good reason to know that more colored men voted this ticket at the point where the most troops were and the longest stationed, and where you say yourself that more colored men voted the ticket than at any previous election, and where you don't know what the republican and democratic vote of the county was?—A. When I say the democratic party voted their full strength, I meant the white people, but we ought to have carried with us the colored people, and had the prospect of carrying a much larger number prior to the introduction of troops than we did carry. After it was known that troops were to be introduced, I could observe the chilling effects upon the democratic campaign and the strength it gave the republican party, the leaders of which used it effectually against us, and thereby diminished the number of democratic colored votes and increased the number of republican votes.

Q. What did you hear these leaders say about the troops?—A. I didn't hear them say very much, as they didn't come to our meetings or favor our going to theirs.

Q. If you didn't hear them say anything, how do you manage to swear that they say things?—A. From what I heard and observed in a general way during the campaign.

Q. From anything you observed, can you swear that anything was said?—A. I cannot, except inferentially and from hearsay.

Q. You have mentioned twice, in your previous examination, statements of the leaders in relation to the troops, and have not stated that what you said was inferential or from hearsay; was this all you meant?—A. That was all I meant in reference to what the leaders said.

(The contestant's counsel objects to the latitude of the above examination as being cumulative, (many of the facts elicited being already abundantly proven,) and as traveling out of the issue. Contestant being restricted in rebuttal to the case made by contestee, he insists that like restriction should govern the latter, and protests against a mode of examination which unnecessarily and unfairly consumes the limited time at his disposal.

Contestee's counsel alleges that contestant in person, and also one of his attorneys, have each consumed as much time as this cross-examination; and further that the cross-examination in latitude is justified by the character of the answers, and strictly in reply to the examination in chief.)

Redirect examination :

Q. Of your knowledge can you say there was a single rifle-club in existence in this county during the last campaign?—A. I cannot; but I know there were clubs called by some rifle-clubs.

Q. Are you not mistaken in saying that you were an officer in such a club?—A. I am not mistaken; I was called a director in the club, and was in no sense a military officer.

Q. Are you not mistaken in saying that your club ever drilled with arms?—A. I think not; I think on one or two occasions I saw those who had arms and were present drill in the manual of arms.

Q. Did the club have any arms?—A. No.

B. W. EDWARDS.

Sworn to and subscribed before me this 14th day of April, 1877.

[SEAL.]

WM. T. SAUNDERS.

Deposition of John Floyd.

JOHN FLOYD, having been called as a witness for the contestant, upon oath stated as follows :

Question. Are you a resident of the county, and were you present at the last general election?—Answer. I am and I was.

Q. Was the club of which you were an officer, at this place, a rifle-club or not?—A. It was designated as a social club.

Q. Was it or not an armed organization?—A. No, sir.

Q. Did it on any occasion turn out under arms?—A. No, sir.

Q. Did this club ever drill with arms?—A. No.

Q. Did it ever drill without arms?—A. Yes; I drilled the club as much as four times, and it was for the purpose of them making a decent appearance on the occasion of General Hampton's visit.

Q. What was the purpose of the organization, as understood by you?—A. For protection of lives and property.

Q. Was organization, in your judgment, necessary; and if so, why?—A. I think it was necessary, because the "wide-awake clubs," or militia, or whatever they were, were armed, and made demonstrations in the

streets by firing off their guns, and so forth ; the town was fired on several occasions, and the organization was necessary for police-duty.

(Objected to as matter of opinion.)

Q. What did J. A. Smith tell you in reference to the deposit of arms in the jail ?

(Objected to as not being in rebuttal, and, if intended to contradict Smith, on the ground that he was not advertised.)

A. In a conversation with Smith, relative to the election of Governor Hampton, he remarked that Hampton was elected by fraud and intimidation, when I answered that he should not speak of intimidation, else why those guns in the jail within 40 feet of the poll at the time of the election, when he very excitedly said that he "had them put there."

Cross-examination :

Q. Did your club disband on Chamberlain's proclamation?—A. Don't remember.

Q. Don't you know that your club was usually called a rifle-club?—A. Can't say.

Q. Do you say that your club did not meet with arms?—A. I do.

Q. How was this club to protect lives and property against, as you indirectly say, armed militiamen, without arms?—A. I suppose that each member of the club had his own private arms.

Q. Did your club do police-duty as a club or as citizens?—A. As citizens.

Q. If they did this duty as citizens, why organize in a club?—A. It was necessary for an organization for the purposes of making details, and so forth.

Q. Was not your club under the command of the county chairman of the democratic party, who lived several miles from this town?—A. Yes.

Q. Do you know, or have you heard, that the democrats had arms in this town on election-day?—A. Never heard it, and did not know it.

Q. Is it not a fact that a great many improved arms were brought into the county by the democrats during the campaign?—A. Don't know; have seen several.

Q. In your opinion, did the troops interfere or change voters?—A. I don't believe they did.

JNO. FLOYD.

Sworn to and subscribed to before me this 14th day April, A. D. 1877.
[SEAL.] WM. J. SAUNDERS.

Deposition of E. T. Coker.

E. T. COKER, having been called as a witness for the contestant, after being duly sworn, testified as follows, to wit:

Question. G. W. Wines has said that Sol. Yarborough and Samuel Hill voted the democratic ticket to avoid prosecution. What do you know of this matter?—Answer. That was not so. I caught those two men in an act of theft, and at that time both of them had declared themselves to be democrats. I let them off from prosecution. I desire it to be understood that both of these men had declared themselves to be democrats previous to the commission of the theft, and had promised to vote that ticket. Yarborough was a white man, and I think was always a democrat. In this scrape that another man was involved, Doctor Peterkin, and he voted the radical ticket, and has never been prosecuted for the theft.

Cross-examination :

Q. How many men did you catch in this act of stealing?—A. I did not catch these men in the act, but they were caught by agent, and acknowledged to me that they committed the theft.

Q. How many of them acknowledged this to you?—A. All three of them.

Q. What is the reason that they were not prosecuted for it?—A. Yarborough was a man who had a family of little children dependent on him for their support, and I did not wish to rob them of the support. As to the others, I thought I could not prosecute them without prosecuting Yarborough also; besides that, the theft was a light one.

Q. Was there nothing said about politics in talking of this matter?—A. Yes, sir. I reminded them of their promise to vote the democratic ticket; and I told them if I let them off that I should expect them to fulfill that promise.

Q. Which of them did you tell this to?—A. I said it in the presence of all of them, but spoke to the colored ones, Samuel Hill and Doctor Peterkin.

Q. They agreed to it?—A. They said there was no doubt about their sticking up to their promise.

Q. Awhile ago you said that they were let off on account of Yarborough's family. Now you say that you told the two colored men if you let them off that you should expect them to vote the democratic ticket. How do you reconcile this?—A. I did not say that I would let them off on account of voting the democratic ticket. I said that if I let them off I would expect them to fulfill their promise to me of voting the democratic ticket.

Q. Is it not a fact that the hope of their voting the democratic ticket did influence your action?—A. I think that it did.

Q. Did you see Doctor Peterkin vote?—A. I did.

Q. Did you remind him of his promise?—A. I did beforehand.

Q. Did you not tell him that if he did not vote the democratic ticket, as he had promised, you would prosecute him?—A. I said something of that sort to him, to which he replied that he was afraid of those of his own, the radical, party.

Q. What did you then tell him?—A. I can't remember the precise words; but, as near as I can remember, said, "Go ahead and do as you please."

Q. Did you not afterward tell him that you believed he was lying when he said he was afraid of the radicals?—A. I did.

E. T. COKER.

Sworn to and subscribed before me this 14th day of April, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of W. H. Jamison.

W. H. JAMISON, having been called as a witness for the contestant and duly sworn, testified as follows, to wit:

Question. Do you know Shadrick Shields and Alfred Lindsey?—Answer. Yes.

Q. Did they or not vote for Rainey at Society Hill precinct on the 7th November last?—A. They did. They voted the Congressional and Presidential ticket.

Q. Do you know Sol. Bostick, colored?—A. I do.

Q. Wines says he was kept from voting the republican ticket through fear; what do you say?—A. If so, it was through fear of the members of the republican party. About an hour and a half or two hours before the closing of the polls at Society Hill, Harry Littleton, colored, and some others, (colored,) instigated by Z. W. Wines, (so called,) colored, commenced yelling at the top of his voice for Sol. Bostick to come up and vote the republican ticket; but he did not come, as he had said publicly at Society Hill that he would not vote the republican ticket, and that it was his intention to vote the democratic ticket, or not at all.

Q. Wines says that all the challenging at this precinct was done by Carrigan and Race; is this the fact?—A. No, sir, it is not. I myself challenged some.

Q. He also states that those challenged for want of age proved their ages; is this the fact?—A. No, sir; not in all the cases.

Q. He also states that all those challenged for want of residence, except Shadrick Shields and Alfred Lindsey, were residents of the county; is this the fact?—A. No, sir. Lawrence Williams, who lived on John Whitherspoon's place in Marlborough; Pinckney Hursey, who lived on a plantation owned by Moses W. Fallon; and one other, Henry Hill, also in Marlborough, were non-residents, and voted the republican ticket.

Q. He also states that the firing in the vicinity of the polls on the night of the election was not unusual.—A. It was *very* unusual. The firing commenced 150 to 200 yards of where the polls had been held, and the firing continued for a considerable time afterward; rapid firing of musketry and other small-arms.

Q. How far is Society Hill from the Marlborough line?—A. Within a mile and a half, and divided by the Great Pedee River.

Q. Do not some of the residents of Society Hill, yourself among the number, plant in Marlborough County?—A. A number plant there. I do not plant, but rent my land.

Q. Give any facts which have come to your ears as to the conduct of republicans in that county in the late campaign.—A. At the Red Hill precinct, I have been told that when Mr. Tom Sparks, an old gentleman, was returning from the polls, his vehicle was followed by a crowd of radical rabble, cursing and jeering him, for some distance from the poll, as a democrat and a damned old gray-headed son of a bitch.

Cross-examination:

Q. Who told you this matter in regard to Mr. Sparks?—A. Mr. Jno. A. Wilson, and some others.

Q. Where was Mr. Jno. A. Wilson on the day of the election?—A. At Red Hill.

Q. Did he tell you that he heard what you have related himself?—A. He simply told me of it; but I can't say as to whether he spoke from hearsay or not.

Q. Do you swear that Shields and Lindsey voted any of the ticket except for presidential electors?—A. They voted for Congressman, to the best of my knowledge and belief.

Q. Haven't you reason to believe that Sol. Bostick was kept from voting by promises made to him?—A. I have no reason to believe any such.

Q. Haven't you reason to believe that Sol. Bostick was kept from coming and testifying in Rainey's favor in this case from the fear of losing certain property in his possession?—A. Haven't seen Sol. Bostick in six months, so can't tell.

Q. Do you call calling to a man to come to vote, in a loud voice, intimidation?—A. You are bulldozing me now—will say, Yes!

Q. You state that Sol. Bostick did not come to vote, because he had publicly said that he would not vote the republican ticket; how do you know this was his reason?—A. Because he stated the fact publicly on the streets at Society Hill, and never denied it.

Q. Did you hear him?—A. I do not recollect now; but I know such to be the fact from other parties.

Q. You have stated this matter positively of your own knowledge in your direct examination, now you give it as hearsay; am I correct?—A. With regard to stating it positively, I stated simply as information and belief, and intended to convey that meaning in my direct examination.

Q. Don't you know that at your poll McCarrigan was acting as democratic challenger on that day?—A. For a part of the time he was—up to about 2 p. m.; after that he was not there, except occasionally.

Q. Do you say on your oath, from your own knowledge, that Lawrence Williams lived in November last on the plantation of Jno. Witherspoon?—A. I do.

Q. Why do you say so?—A. Because he drove Mr. Witherspoon's plantation wagons.

Q. How do you know this?—A. I know it from seeing him drive Mr. Witherspoon's wagon in Marlborough County, and from Mr. Witherspoon's telling me so.

Q. When did you see him drive Mr. Witherspoon's wagon?—A. About two days before the election, coming to Society Hill from Marlborough with a plantation-wagon, as near as I can recollect.

Q. Can you swear from your own knowledge, as asked a while ago, that this man lived on Witherspoon's place in Marlborough, from the fact that you saw him driving a wagon from Marlborough to Society Hill, and because Witherspoon said so?—A. I would swear to it upon a stack of Bibles one mile high if Mr. Witherspoon said so.

Q. Do you understand the difference between hearsay testimony and swearing as you were asked to swear in relation to this matter?—A. Not being a lawyer, I do not understand the tecnic qualities of law.

Q. I ask you now, can you say on your oath, from your own knowledge, that Pinckney Hussey lived on Moses Mallory's place on the 7th day of last November; and I will also ask you if you can say, in the same way, that Henry Hill lived in Marlborough at the same time?—A. I can't.

Q. Did those guns that were fired after the election was over, in 150 to 200 yards of where the poll had been at Society Hill, cause Mr. Richardson to lose any votes for Congress?—A. Of course not.

W. H. JAMISON.

Sworn to and subscribed before me this 4th day of April, 1877.

[SEAL.]

WM. J. SAUNDERS.

B. W. Edwards recalled.

The contestant's counsel states that Col. B. W. Edwards is recalled at his request for the opportunity being allowed him of making a correction on one point of his testimony.

Question. State in what particular you wish to correct your testimony.—Answer. When I testified as to our club drilling with arms my attention had not been particularly turned to that point, but upon reflection I am satisfied I was mistaken in saying that I ever saw any of them

drilling with arms. I went, and my two sons with me, to the only meeting where I ever saw them drill at all, and none of us carried any gun or guns. We went through the step evolution and the right-about face, and such movements as would enable us to move together and support each other, and we had no arms. I remember now, myself, advocating the importance of drilling in the step and evolutions, before we ever drilled at all, for the purpose of presenting a better appearance in keeping together in procession at our public meetings, and being able to support each other and act in concert in case of any sudden and unexpected emergency.

Cross-examination:

Q. On yesterday evening you swore positively that this company did drill with arms, and this morning you swore the same way, and now you say that you are mistaken. Do you make this statement because you know you were mistaken, or are you simply induced to think you were mistaken by what others have told you?—A. My recollection of my testimony both yesterday and this morning was that I thought those who were present having arms drilled with arms. My attention has been directed to the fact by another that I was mistaken, which induced the reflection upon my part above detailed, and that reflection satisfies me that I was mistaken, and I have given my reasons, for that I and both of my sons drilled.

Q. I understand you still to say that this company went through evolutions; how did you do that without arms?—A. By the use of our feet and our bodies; we went through the step and then some other maneuvers, but had no arms.

Q. When you have made such a mistake as this in a plain matter of fact, is it not likely that you made some mistakes in all the opinions you have given in your testimony?—A. It is possible; but this slip of memory has not misplaced confidence in the judgment which I have formed concerning the events of the campaign.

B. W. EDWARDS.

Sworn to and subscribed before me this 14th day of April, A. D. 1877.
[SEAL.] WM. J. SAUNDERS.

Deposition of A. S. White.

A. S. WHITE, having been called as a witness for the contestant, after being duly sworn, testified as follows, to wit:

Question. Up to a very short time before the 7th of November last, was there any unusual disorder or disturbances of the peace in Darlington County?

(Objected to as calling for opinion and as being cumulative and not in rebuttal.)

Answer. I know of none.

Q. In your opinion, was the introduction of United States troops in this portion of the State pending the late election called for?

(Objected to for the same reasons as the foregoing question.)

A. No, sir.

Q. What was the effect of the introduction of the troops upon the election?

(Objected to for the same reasons as the foregoing question.)

A. It tended to discourage the democrats and encourage the republicans.

Q. Was not their coming regarded as a political measure?

(Objected to upon the same ground as the previous question.)

A. It was generally so considered.

Q. Did the democratic organizations of this county, in your judgment, tend to interfere with the freedom of the election?

(Objected to as a matter of opinion.)

A. I think not.

Q. Were there any indications that the republican voters were deterred, through fear, from voting?—A. I saw none.

Q. Were they not, in your judgment, fully alive to their advantages of numbers, the prestige of previous victories, the moral and physical support of the State and Federal Government?

(Objected to as calling for matters of opinion.)

A. I think they were.

Q. Did you ever say to J. A. Smith that you were obliged on account of your unpleasant position in your family to identify yourself with the democratic party, or anything of like effect?—A. Nothing of the kind.

Cross-examined:

Q. Have you ever been elected intendant of the town; and, if so, by what party?—A. I was; and nominated by the republicans, and elected by votes of the people.

Q. Were you appointed auditor of this county, as a republican, by Governor Chamberlain?—A. I was appointed auditor by Governor Chamberlain.

Q. Were you not abused by the democrats as being a republican?—A. I never was abused. I was censured considerably.

Q. Is it not a fact that some relations of yours have spoken to you about voting in the last election?—A. Very little was said; I was asked how I intended to vote.

Q. Did you not have some conversation with J. A. Smith about your voting?—A. I do not recollect of any.

Q. Do you not know that the democrats of this county were organized in rifle-clubs previous to the election?—A. There were organizations; not being a member of any, I do not know as to the character of them, but they were spoken of then as rifle-clubs.

Q. Was it not the general report that there was a rifle-club in the town of Darlington, of which John Floyd was captain?—A. There was a report that there was a rifle club, of which he was president.

Q. Have you not seen these clubs out in procession in the town of Darlington, in uniform, on public occasions?—A. I have seen a procession, with a large body of men marching in procession, on the occasion of General Hampton's visit, but I saw no uniforms except red shirts.

Q. Have you not seen a band with a procession here, marked "The Darlington Rifle-Club"?—A. I have no recollection of seeing it.

Q. On Hampton's day did not a crowd of men release a man arrested by your marshals?—A. Yes, sir; and was brought back by Colonel Law.

Q. In your opinion, what was the purpose of organizing rifle-clubs by the democrats in this county, or what was generally termed rifle-clubs?—A. There were conflicting rumors among democrats and republicans as to the object. From what I could gather my opinion was they were formed for the protection of their property and families.

Q. Please state in what manner, in your opinion, they were to protect their families and property.—A. There was a fire at the fair-grounds

and several attempts at burning the town after the meeting at Timmons ville, and they had to turn out and police the town in large squads to protect it from fire. On several occasions colored men were armed on the streets, when you had to send the marshal out to disperse them.

Q. Was the guarding of the town that you speak of done by the rifle-club or by the town authorities?—A. The town was policed by members of the democratic club, at my solicitation, as lieutenant, without compensation.

Q. I have asked you to state the manner in which rifle-clubs of the county were to protect property and families, and you have answered me by giving the services rendered by the members of one club in policing the town, under your orders. Do you say that the rifle-clubs of this county, and the one in this town, were gotten up for this purpose?—A. My answer had only reference to the club in this town. I knew nothing of any other.

Q. Do you say that the democratic club at this point was gotten up in order to be requested by you to police the town?—A. I did not say so. I said that I called on them after those fires.

Q. I ask you to give me your opinion as to the object of their formation?—A. I have already answered the question.

Q. Did you not call upon the white citizens of this town, without any reference to organizations, for police duty?—A. I had no reference to organizations.

Q. The duty rendered, then, was simply as citizens—not as members of any club?—A. Yes, sir.

Q. If this is so how can you say that the rifle club was gotten up for the protection of property, when this duty was not rendered by them as such, but simply as citizens?—A. It is still my opinion.

Q. Have you any other reason for this opinion except that they performed police duty as citizens, with the other citizens of the town?—A. I have answered that before.

Q. It has been proven in this case that the Darlington club drilled about once a week with guns, and it further appears that they turned out in procession on public occasions. How was this necessary if their object be such as you have stated in your opinion?—A. I could not see any necessity for that.

Q. You have already stated that it was the general report that rifle-clubs were organized in different portions of this county. Please state, in your opinion, what was the object of those organizations?—A. I have answered it already.

Q. Please state upon what you base this opinion.—A. There was a good deal of burning and a good deal of stealing in different sections of the county, and I have heard citizens say that they policed their sections of the county to prevent it.

Q. Do you say that more houses were burnt during the campaign than at other times?—A. I have never heard of so much burning as during this last fall and winter.

Q. What is the character of the burnings you refer to?—A. Incendiary, they have seemed to me.

Q. Please mention the ones you refer to.—A. Fair-grounds and two stores in the town, that were set.

Q. How do you know that the two stores were set on fire?—A. At Mr. McCall's store the marshal reported to me as intendant that when he first saw the light and ran there, some parties ran off; did not know who they were, and have not since found out.

Q. Is not the town of Darlington noted for fires, and is it not a fact

that the whole square was burned at different times since the war, and in no way attributed to politics?—A. There has been a great many fires since the war which were not attributed to politics, but the burning of the fair-grounds was attributable to politics.

Q. Was it not the general report that the rifle-club was in the habit of drilling at night in the buildings of the fair-grounds?—A. I heard that they drilled there, and had a large quantity of guns stored there.

Q. Is it not a fact that a good deal of the burning done heretofore in this town was charged to the owners or occupiers of buildings to recover insurance?—A. Yes, sir; previous to the fair-grounds.

Q. What especial occasion was there to form rifle-clubs during the political campaign, to protect persons and property, more than other times before and since?—A. I know of none other than that the excitement was pretty high in both parties.

Q. Please state in what way the presence of United States troops affected the election.—A. The impression prevailed that the National Government backed the republican party in South Carolina.

Q. With whom did this impression prevail?—A. With all classes.

Q. Did the troops in any way interfere with the election, or in any way influence or change votes? If so, state how, and the means used.—

A. They didn't interfere in any way, nor did they change votes, unless by their presence.

Q. How did the coming of the troops discourage the democrats?—A. Only by encouraging the republicans to vote solidly.

Q. Do you mean to say, when you say that the democrats were discouraged, that they did not poll their full strength in this county?—A. Can't say that, as I can't say what the full vote was; I mean by being discouraged that they would have polled a heavier vote if the troops had not been here.

Q. How many votes would they have polled if the troops had not been here?—A. I don't know, sir.

Q. How many did they poll?—A. I don't know, sir.

Q. If you don't know how many they polled, or how many they would have polled, how can you say but for the troops they would have polled more?—A. They were in hopes to poll more.

Q. When you say that the coming of the troops encouraged republicans do you mean to say that it gave them the assurance of voting as they pleased, or what do you mean?—A. I have answered the question.

Q. Did the coming of the troops, in your opinion, do more with the republicans than assuring them of a free ballot?—A. I think it did.

Q. What more?—A. They massed a considerable quantity of arms near the ballot-box, in the jail here, which they would not have attempted if the troops had not been here.

Q. I understand you, then, to say that the placing of these guns in the jail was from the influence of the troops upon colored voters?—A. I have answered the question.

Q. Is it not a fact that about the time polls closed the democrats called upon the troops to guard those arms in jail, and they did so?—A. I cannot say that that is a fact; I communicated this fact to Lieutenant Deams, both in person and by Captain Earle, the supervisor at the poll, (on the part of the democrats as I am informed.)

Q. How was the coming of the troops generally considered?—A. It was considered as indorsing the State government and backing it.

Q. Did you not go with the republicans to the first republican Timmons-ville meeting?—A. I went with J. A. Smith and no crowd at all.

Q. Did you not see many democrats at that meeting with arms?—A. I saw both parties with arms.

Q. Was not the indications of violence such that you were delayed from going to actual place of meeting?—A. Late in the day I was apprehensive of trouble.

Q. Did you go to the place of meeting?—A. I did not.

Q. Why not?—A. I apprehended a serious outbreak and did not go to the place of meeting.

A. S. WHITE.

Sworn to and subscribed before me this 16th day of April, A. D. 1877.
[SEAL.] WM. J. SAUNDERS.

Deposition of Maj. A. C. Spain.

A. C. SPAIN having been called as a witness for the contestant, after being duly sworn testified as follows, to wit:

Am a resident of the town of Darling, and was present the 7th of November, 1876.

Question. What is your profession?—Answer. A lawyer.

Q. Can you speak as to the effect of the introduction of United States troops into the canvass of Darlington County?—A. The introduction of troops into the State of South Carolina produced a very marked effect in the county of Darlington before any troops were ever heard of in Darlington County. The governor of South Carolina had issued a proclamation full of slander of the democrats, so far as Darlington County was concerned; upon that proclamation the President of the United States acted, on the assumption that the democrats, with arms in their hands, were using their organization and arms to force the negroes to vote the democratic ticket. Based upon this slander the military force of the United States were, on the call of the governor, sent by the President of the United States into South Carolina, the result being a widespread impression that the troops were intended to influence the election directly by sustaining one party, (the republican,) and acting in antagonism to the other, (the democratic) The ignorant colored voter adopted the view of the governor and President, and acted on it.

(This answer is objected to, as being matter of opinion, and as interpreting the proclamations of the President and the governor, which are already in the case.)

Q. In your opinion were there any circumstances which warranted the introduction of United States forces?—A. There were no circumstances in the county of Darlington warranting the introduction of the troops. The circumstances upon which the troops were introduced were created by the governor himself; they did not exist in fact.

(Objected to as matter of opinion, and as not being in rebuttal.)

Q. But for the interference of the State and Federal executives, is it or not your belief, that the democrats would have carried this county?

(Objected to, as calling for opinion.)

A. Before the moral and physical influence of the State and Federal Government were brought to bear upon the election, I did entertain an opinion that the chance to carry Darlington County for the democrats was a fair one. I never was as sanguine about it as others. After these proclamations and the introduction of the troops, I noticed a very wide change in the opinions and conduct of the colored people, and they became intensely antagonistic in their feelings and conduct to the

whites. I heard from a number of colored persons, men and women, that President Grant had taken sides with them, and I have heard them say, in conversations that I have had with them, that they could not vote against the radical ticket.

(Objected to so much of the above answer as was an expression of opinion.)

Q. What do you understand to have been the purpose of the formation of the so-called rifle-club?

(Objected to, as calling for opinion.)

A. If, during the last campaign, there was in the county of Darlington a rifle-club, in name or in fact, I do not know it.

Q. Were the democrats in this county organized; and if so, in what way and for what purpose?—A. Yes, sir; the democratic party was organized. There was a general organization under the control of a general or executive committee of the county which communicated directly with the State executive committee at Columbia. There was then in each township of the county a democratic club. These organizations were strictly political, wholly non-military. At this point, and it may be at others, during the progress of the campaign, it became absolutely necessary for the protection of persons and property that the clubs should perform police duty. But for these clubs and the police duty performed by them the county would have been in a state of anarchy, and it was well nigh so anyhow. And this condition of things I consider followed from the fact that the colored population thought that they had the State and Federal physical power at their back. This police duty was entirely distinct from the political purposes of the organization. There were at the time no military organizations among the democrats, but there were military organizations among the colored people, who were republicans, armed with State arms.

(Objected to so much of said answer as is matter of opinion.)

Q. Were the republicans of this county organized. Did they ever appear in procession, mounted, uniformed, and armed?—A. They were thoroughly organized. I did see as many as three processions of the republican party in which there were mounted men. I saw the same in the democratic procession. I did see in one of the processions of the republican party a body of men from 35 to 40 in number fully armed. This was after the proclamations, but that I never did see in a democratic procession. I did see mounted, and men on foot too, in uniform of the procession of both parties. The uniforms of the democrats were red shirts. What I mean by uniform is a distinctive dress or badge, or badges, by which they could be recognized by each other.

Q. Was the bearing of republicans in the late campaign indicative of timidity?

(Objected to, as calling for opinion.)

A. No, sir; on the contrary, it changed from confidence to arrogance.

Q. With reference to the so-called land-pledge, was a distinction drawn between the republican ticket "and what was called here" the "radical ticket?"—A. Yes, sir; when the pledge was originally presented and under discussion, it contained the term "republican." On my own motion, that word was stricken out, and the word "radical" inserted in the place of it, because republican would cover the case of presidential electors and members of Congress, and therefore no such means as those proposed to be resorted to by the pledge could be resorted to in a purely political sense, as against those who chose to vote

for the republican electors or candidates for Congress; the pledge should be non-effective. The word *radical* was substituted to designate a *State ticket* against the persons whose names were on it; the opposition to them being *personal* rather than *political*; that antagonism arising from the dishonest character of the men composing the ticket, as charged by the chief persons thereon, one against the other, and from other evidence satisfactory to the democrats. The change was accordingly made, and such was deemed the extent of the pledge.

(Objected to, as not being in rebuttal, and as proving the intent rather than the effect.)

Q. If you know any special matter, state it.—A. I have spoken above of the personal antagonism to Governor Chamberlain, because of his alleged dishonesty, and for other reasons. Nearly the entire white population of the State are democratic. Their aversion to him was sublimated because of his own bitterness against the white people of the State, manifested by his acts and words; as, for example, in his representations in the Hamburg affair, the Combahee riot, the Ellenton affair, and his proclamations and demand for troops.

(Objected to as not being pertinent to the issue, not in rebuttal, and matter of opinion.)

Witness further answered:

I did know of many threats of colored men and women against democratic negroes, and I knew of one case of one poor old fellow, Bosser by name, who was beaten for his political opinions. Hearing that Titus Gadsden, a colored man, had said that he had been swindled by B. F. Whittemore, the leader of the republican party in Darlington County—

(This is objected to as having nothing to do with the case and as being hearsay.)

I sent for Titus Gadsden; he came to see me, slipping in to my office and asking that the door should be shut; he told me that he had been swindled by Whittemore of about \$700, and how. He said that he was done with Whittemore and would follow him no more, and intended to vote the democratic ticket, and he knew of other negroes, friends of his, who intended to do the same thing, but they had to be very quiet about it; that they were threatened with bodily injury by their fellows if they carried out such an intent. I asked him to go to Mechanicsville to a meeting, and to make a speech on his side and our side, and to tell what he knew and to persuade his brethren to join us; this he said he could not do for fear his life would be taken; it had already been threatened. In further conversation he said that his people had already been talking to him about it, and that his people told him that it was his duty and theirs to stick together without any regard to the candidates, good or bad.

(Objected to as hearsay and as not being in rebuttal.)

Witness further said:

On the day before the election there came to Darlington about one dozen troops under the command of a lieutenant. More troops were camped about 250 to 300 yards from the polls. Whittemore, the leader of the radical party, was the chief United States deputy marshal, and claimed to hold those troops subject to his orders. There was not a more active partisan at the two polls upon the day of election than this official.

Cross-examination:

Q. Was Mr. Whittemore a candidate?—A. Not at that time, but he claimed to be senator from the county at the time.

Q. What did you see him do on the day of election, as marshal, that was improper?—A. I did not see him do anything; but I deemed it very improper for a senator and the leader of the party to have charge and command of the troops.

Q. Do you mean to say that on that occasion that he had any charge or command of the United States troops, or do you mean to say that he could have called upon them as marshal to suppress riots and so forth?—

A. I mean to say that I understood Mr. Whittemore to have power at his pleasure to call upon the United States troops to obey his orders; that is, he was to determine the circumstances authorizing him to make the call.

Q. Is it not a fact that during the campaign one ticket was generally known as the radical ticket and the other as the democratic ticket?—A. One ticket was uniformly known as the democratic, and the other, sometimes as the "radical" and sometimes as the "republican" ticket.

Q. Do I understand you to say that Chamberlain's proclamation was a slander as to the condition of this State?—A. I do say that Chamberlain's proclamation was a libel upon the white people so far as this county is concerned, and I believe it to be a libel so far as the people of the State was concerned.

Q. Do I understand you to say that the democratic clubs were gotten up for political and police purposes?—A. No; the democratic clubs were gotten up for purely political purposes; circumstances afterward rendered police duty absolutely necessary, and then the club organization was used as a nucleus for another to perform police duty; the members of clubs did police duty, and they were under any officer appointed by the clubs.

Q. What was this officer called?—A. I called him captain.

Q. Don't you know that similar organizations to this that you have just alluded to, were known or were called rifle-clubs?—A. I do not.

Q. Was there any disbandment in this county in consequence of those proclamations?—A. There was no rifle-company in the county and therefore none could disband. I do know and heard many persons say that they had "disbanded" and intended to obey the orders of Chamberlain, and that they intended to obey the proclamations because, more especially, General Hampton requested it. The term "disband" they used ironically.

Q. What portion of Chamberlain's proclamation slandered the democrats of Darlington County?—A. The animus of the proclamation was that the whole white people of the State were banded together in an armed crusade to prevent the negro from exercising his right to vote. Darlington was included in the general charge, but not in the specification.

Q. Did you not belong to a club the members of which had or procured arms of some sort?—A. I was a member of a political club some members of which, in the later part of the canvass, procured arms, as I have heard a witness testify, to wit, Col. B. W. Edwards. I did hear, too, that some eight or ten rifles had been ordered by some members of the club. And I had heard that some other democrats in the county had ordered arms. How many, I can't say. This was after the proclamations, and all of that was in consequence of the allegations that great numbers of State arms were sent for distribution among the negroes.

Q. Did you hear that State arms were sent to Darlington County during the campaign?—A. I did so hear.

Redirect examination :

Q. Is it not true that Mr. Floyd, the president or chief officer of the

club to which you belonged, was commonly spoken of as "Captain" Floyd long before the organization of this club?—A. John Floyd was not the chief officer of the club to which I belonged. Long before the late campaign he was called "Captain" Floyd. I have not said that he was so designated in connection with this club.

Q. Mr. McColl asked you if you heard that State arms were sent into this county during the late campaign. Did you not also hear that fixed ammunition was sent?

(Objected to as not being in reply, and leading.)

A. I did so hear.

A. C. SPAIN.

Sworn to and subscribed before me this 16th day of April, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of J. S. McCall.

J. S. McCALL having been called as a witness for the contestant, and being duly sworn, testified as follows, to wit:

Question. Are you a resident of this county, and were you present at the election of 7th of November, 1876?—Answer. I am, and was.

Q. Z. W. Wines says that Cyrus Alston and Peter Brock, colored, were deterred from voting the republican ticket through an offer on your part to pay them money or satisfy them. What do you say of this?—

A. I made no such offer. Cyrus Alston had told me frequently, before the election came on, that he intended, if he voted at all, to vote the democratic ticket. The day before the election he said to me that he believed that he would go up and vote. I told him that there were so few of his color was thought to vote that ticket at that poll, that I thought he had better stay at home. That from threats that had been made, and from the prejudices of his own color on the plantation, that he might get into some trouble, and we wanted peace. He did, by my advice, to remain at home. Peter Brock, some weeks before the election, had said to me that he did not intend to vote in the election either way. He did not go to the polls. I did not induce him to stay. He sympathized with the democratic party, but did not wish to vote against his own color on account of the pressure they employed.

Q. If you know of any other instances in which colored men were deterred from voting the democratic ticket through fear, state them.—

A. Stepney Howard, who was then, and is now, in my employment, joined the democratic club very soon after the organization. Some weeks afterward he came to me and said that he must go up and have his name taken off the roll, because that he was afraid, as there had been such threats made. He went up and had his name taken off. The instance of Dr. O'Harrow (colored) was just the same.

(Objected to as not in rebuttal, and being hearsay.)

Cross-examined:

Q. You say you advised Cyrus Alston not to go and vote. Isn't it a fact that this was, in part at least, because you suspected that he would vote the republican ticket?—A. Not all. He has been called a democrat on the plantation for years by the other negroes.

Q. Did you hear any threats made against Brock or Alston?—A. I heard none myself.

Q. Did you hear any made against Howard or O'Harrow?—A. I did not.

Q. What pressure did the colored people bring to bear against Brock?—A. I know of none except what I heard of.

JOHN S. McCALL.

Sworn to and subscribed before me this 16th day of April, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS.

Deposition of Col. J. A. Law.

Col. J. A. LAW, having been called as a witness for the contestant, after being duly sworn testified as follows, to wit :

Question. Joseph Douglas swears that you had the democrats massed around poll No. 1, so that no republican voter could approach, early the morning of the 7th of November, 1876.—A. That Joseph Douglas's statement is false from beginning to end.

Q. He stated that he remonstrated with you, saying that you wouldn't give them a showing, and that they were going to beat you anyhow, when you said that you didn't intend to give them a showing, and if they'd beat you with ballots you'd beat them with bullets. Is this true?—A. The whole statement, from beginning to end, is an unmitigated falsehood. I had no conversation whatever with Joe Douglas.

Q. He said that United States Deputy Marshal Whittemore remonstrated with you, when you said that it was none of his damned business. Is this true?—A. It is not true.

Q. As chairman of the democratic party of this county, I wish you to state whether or not there was a single company or club of armed men among the democrats during the campaign of last fall.—A. Not to my knowledge. Members of clubs may have had private arms, but they were not armed organizations as such.

Q. Did any of the democratic clubs during the campaign drill with arms?—A. Not one that I have ever heard of, and if it had been done I certainly would have known of it.

Q. Do you know anything about the firing of the woods by the republicans at or about the time of the election?—A. It was generally understood by the democrats that the republican leaders had advised their followers to set fire to the woods and other property of the democrats immediately preceding the election, so as to keep them at home to fight fire and to keep them away from the polls. The woods on my own place was on fire two days before the election, was carefully outed by the hands on my place; was on fire again by daylight on the morning before the election; was again carefully ; so that there could be no chance of it starting again without being started by some one. Was again on fire the night before the election, and was only prevented from doing a great deal of damage by the rain which fell on that night. I have reason to believe, and do believe, that the woods on my place were set on fire for political purposes.

Cross-examined :

Q. Is it not within your knowledge, as chairman of the democratic party of Darlington County, that there was a democratic club organized in every township, or nearly so?—A. There was a democratic club organized in every township in the county.

Q. During the political campaign of 1876, how often was it the practice or custom of these clubs to meet?—A. Once each week.

Q. At what time of day or night was it their usual practice to meet?—A. As a general thing, from 2 to 3 o'clock p. m. A few clubs, however, held their meetings in the forenoon.

Q. Was it not a usual and customary thing for them thus meeting to remain in session, or in the neighborhood of their places of meeting, until some time in the night?—A. I did attend the meetings of almost every club in Darlington County. I have never known or heard of a club extending its meeting after dark, nor the members of such clubs remaining in the vicinity of the place of meeting after the adjournment of the club.

Q. Was it or not customary for the members of the clubs to come to to the place of meeting with rifles or pistols, or other kinds of fire-arms?—A. It was not only not customary for them to come there armed, but was never done, to my knowledge.

Q. Do you not know that it is the almost universal custom of the white men of this State, when they leave their homes to attend political meetings, or for other purposes, to carry loaded pistols with them?—A. I cannot speak for the State; but I know it is the custom of the white people of this county to carry loaded pistols with them whenever they leave home, and to keep pistols and other arms in readiness at their homes to defend themselves, their families, and their property against the armed and lawless bands of negro republicans who have infested our county from the beginning of the radical administration to the present time.

(So much of the above answer as gives a reason for the fact inquired of is objected to, because it is not responsive to the question asked.)

Q. You have spoken of threats made by republican leaders to free the woods of democrats just before election. Did you ever hear any such threat made by any republican leader; and, if so, by whom?—A. I did not hear the threats myself, as they were made in secret republican meetings and reported to me afterward.

Q. If they were made in secret republican meetings and reported to you afterward, how can you on your oath say that such threats were ever actually made? Is it not a simple matter of hearsay on your part as to any such threats?—A. It is a matter of hearsay so far as the threats are concerned; and I have never made any statement here on oath from hearsay without specifying it.

J. A. LACY.

Sworn to and subscribed to before me this 16th day of April, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of B. A. Early.

B. A. EARLY, having been called as a witness for the contestant, after being duly sworn, testified as follows, to wit:

Question. Are you a resident of the county, and were you here on the 7th of November, 1876?—Answer. I am, and was.

Q. What is your occupation?—A. Merchant. I do business about 6 miles from Darlington Court-House, on the Camden road.

Q. It is charged that at Timmons ville, where the largest force of United States troops was stationed in this county, the heaviest colored democratic vote was polled. Can you explain this matter?—A. A large number of colored men in my neighborhood were willing and anxious to vote for the democratic candidates, but insisted that they be permitted to vote at Timmons ville and Lydia, as they feared personal violence at Darlington Court-House at the hands of colored republicans. My

wagon-driver, especially, stated to me that two colored republicans in Darlington village, a short time before the election, threatened to give him a whipping if he voted the democratic ticket.

(Objection to the answer as an expression of opinion on the part of the witness, and hearsay as to special matters stated.)

B. A. EARLY.

Sworn to and subscribed before me this 16th day of April, A. D. 1877.
[SEAL.]

WM. J. SAUNDERS,

Notary Public.

Deposition of J. J. Ward.

J. J. WARD, having been called as a witness for the contestant, upon oath, testifies as follows, to wit:

Question. It has been sworn by a witness for the contestee that the republicans from Darlington went armed to the first Timmons ville meeting, in consequence of threats made by the democrats, and especially by you. What do you say?—Answer. It is false in every particular. On the day before the meeting at Timmons ville, Hab. Dargan met me on the street and asked me if I was going to Timmons ville to-morrow. I answered that I did not know, but thought it likely that I should go. I propounded the same question to him, when he answered in the affirmative. This constitutes fully all the conversation I had on the subject or any other republican before going to Timmons ville. And I never made any threats to any one.

Q. Were you a member of the democratic club in this place?—A. I was.

Q. Was your club armed or did it ever drill with arms?—A. It never did. It only drilled twice for the purpose of being able to march in the procession on the day Hampton came here. The club was purely political, and nothing military about it. As one of its originators I framed its by-laws, and in those by-laws the purposes of its organization were set forth, and they were, as I before stated, purely political.

Cross-examination:

Q. What was the date of the first Timmons ville meeting?—A. The latter part of August or the first of September.

Q. When did you first hear that that meeting was to be held at Timmons ville?—A. About two weeks.

Q. By what party, and by whom, as the representative of what party, was that meeting called?—A. I do not know. I think by the chairman of the republican party of the county.

Q. Is it not within your knowledge that it was to be a republican meeting to inaugurate the republican campaign for the election of November 7, 1876?—A. It is not.

Q. Is it not within your knowledge that the call for said meeting was issued by Thomas C. Cox, chairman of the republican county committee for Darlington County?—A. I think it was; am not positive.

Q. Is it within your knowledge that the chairman of the democratic committee for Darlington County, or any committee of the democratic party for said county, participated in that call?—A. The chairman of the democratic party requested us as democrats to be there. I know nothing of the call.

Q. Who was the chairman of the democratic party of the county of Darlington for the political campaign of 1876?—A. Col. J. A. Law.

Q. Did Mr. Law request you to be present before you knew that there was to be a republican meeting at Timmons ville?—A. Don't know at what time the request came, but it was certainly after the call.

Q. When you received the request from Mr. Law to be present at the Simmons ville meeting, the last part of August or first of September, heretofore spoken of, did you not know it was to be a republican meeting?—A. I did not so understand it.

Q. Had the democrats, to your knowledge, participated in the call for that meeting, previous to the request of Colonel Law for you to be present at said meeting?—A. I don't know who made the call, therefore don't know who participated in it.

Q. Do you not know that previous to that call public notice had been given, through the press and otherwise, that the policy of the campaign would be conducted, on the part of the democrats, by persistent demand that at all republican meetings the democrats should have the right to share time of the speakers?—A. I didn't so understand it. I understood the policy of the campaign to be this; that we should request and insist, as far as practicable, for a division of time, as the only method of reaching the hearers of the republicans and refuting the infamous lies told of us.

Q. Was there any law or force used in this State to prevent democrats, or any other party, from holding a public meeting and discussing the political issues which were before the people?—A. There was none that I know of. There was intimidation used to prevent republicans from attending our meetings.

Q. Is it not the fact that the democrats had several large gatherings or public meetings in the county of Darlington during said campaign? If so, how many, and at what point?—A. Yes, sir; there was two meetings at this place.

Q. Did not the democrats have club-meetings, which were in effect public meetings, at Florence, at Timmons ville, and at various other points in the county of Darlington?—A. Yes; the meetings of the democratic clubs were public, and attended largely by those who were not members.

Q. Were you not often personally present at said meetings?—A. I attended five or six, exclusive of the meetings at this place.

Q. Did you ever know or hear of the republicans requesting and insisting upon the division of your time?—A. No. But they were always invited to participate in the discussions when any of them were present.

Q. Did you ever know or hear of any republicans in a body, armed or mounted, one or both, going to democratic meetings and requesting and insisting upon division of time?—A. No, sir.

Q. Do you not know that at the meeting at Timmons ville, heretofore spoken of, the democrats did send a committee to the republican meeting, after it had withdrawn from the so-called joint platform, and request a division of time, and that request was refused?—A. I was a member of that committee, and we were refused.

Q. Do you not know that at least one very prominent reason for said refusal was, on the part of the republicans, that they feared, in the then existing state of feeling, collision and perhaps bloodshed would ensue in case of a joint meeting?—A. As a member of the committee who made the request—that no such reason was given us—we were simply refused.

Q. After the refusal to hold the joint meeting and the republicans had withdrawn to another stand some quarter of a mile distant, leaving the democrats in full possession of the so-called joint stand, is it not a fact

that the democrats sent a committee to them renewing their request for a division of time, and said request was again refused?—A. Yes, sir.

Q. Is it not a fact that after that second refusal still another committee was sent?—A. Not to my knowledge.

Q. Is it not a fact that before the adjournment of the republican meeting at the place to which they had removed, the democrats in procession, with footmen marching in the form of military companies, many of whom were bearing arms, and numbers of mounted men in the form of column of cavalry, came to the grounds where the republican meeting was in existence, and surrounded the stand, or partially so?—A. No.

Q. To your knowledge, did the democrats late in the day come up to the place where the republicans were holding their meeting, and did they come singly or in procession?—A. At the adjournment of the meeting at the joint platform a great many did go to the republican meeting that was not quite over. They did attend without concert of action or formation.

Q. Did not one or two hundred horsemen or more go there?—A. After most of the footmen came there, ten or fifteen horsemen, in a body without organization, came there, when Mr. Whittemore remarked "there comes the rebel cavalry."

Q. Will you swear that previous to the adjournment of the meeting there was not more than ten or fifteen standing in front of the platform?—A. I think there was about thirty or forty, but they did not repair there in a body.

J. J. WARD.

Sworn to and subscribed before me this 16th day of April, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of E. R. McIver.

E. W. McIVER having been called as a witness for the contestant, and being duly sworn, testified as follows, to wit:

Question. Are you a resident of this county, and were you present at the election on the 7th of November last?—Answer. I am, and was.

Q. What is your occupation?—A. Planter.

Q. But for the interference in that election by the State and Federal executives, by proclamations, and by the introduction of troops into the State, which party, in your judgment, would have carried this county?

(Objected to as calling for an expression of opinion.)

A. The democratic party.

Cross-examination:

Q. How many votes were thrown in Darlington County in 1874?—A. Don't know.

Q. About how many republican votes were thrown in the county in 1874?—A. I have no idea.

Q. Did you know anything about the canvass that was made of the white and colored vote previous to the election of 1876?—A. Yes.

Q. How many white voters did that canvass show, and about how many colored voters did that canvass show?—A. There was about 2,500 white, and about 3,200 colored voters.

Q. Was there not nearer 4,000 than 3,200?—A. Not according to my recollection.

Q. Are you willing to swear that there was not nearer 4,000 than 3,200 colored?—A. I swear to the best of my recollection.

Q. Do you recollect how many democratic votes for member of Congress were cast at the last election in this county?—A. Between 2,500 and 3,000.

Q. How many votes were thrown for Colonel Richardson for member of Congress, in excess of the white vote of the county?—A. We estimated that at between 400 and 500.

Q. Can you tell me how many votes Mr. Rainey received in this county for member of Congress?—A. About 3,700.

Q. Was the aggregate vote for both members of Congress larger than the census of white and colored voters?—A. It was.

Q. How much?—A. Don't know.

Q. You have stated here that the effect of the proclamations of the governor and President was to change the result of the election. What was the date of those proclamations?—A. About the 20th of October.

Q. Have you ever seen or read the proclamations of the governor and President relating to disbanding rifle-clubs, and so forth?—A. I have read them both.

Q. Did these proclamations disband or disorganize by their terms or language any but illegal organizations existing, or supposed to exist, in the State of South Carolina?—A. I know of no illegal organizations.

(Answer objected to as not being responsive, and we insist upon the answer.)

Q. Did the proclamations of the governor of the State of South Carolina and the President of the United States of America, heretofore alluded to, intend or attempt to do or command anything more than the disbandment and disorganization of illegal companies or organizations?—A. Having no knowledge of illegal organizations, I cannot compute the effect that the said proclamations would have.

Q. Do you not know that those proclamations were directed and to take effect only upon associations or organizations that were not organized under the terms and in compliance with the statutes of the State of South Carolina?—A. I believe that their intention was to suppress all democratic organizations of whatever kind, which organizations were alleged to be illegal.

Q. Did the proclamation of the governor or the President in terms order the disbandment or disorganization of any political organization? Were they not, on the contrary, in specific terms, directed wholly and exclusively against armed organizations?—A. They were so worded.

Q. How, then, can you say, under the sanctity of your oath, that said proclamations disbanded, disorganized, and broke up the democratic club of which you was a member?—A. I never said so.

Q. Were you a member of a democratic club previous to the last election?—A. I was, of two.

Q. What clubs?—A. Palmetto social club and Lang Township democratic club.

Q. Were those clubs disbanded, disorganized, or broken up by the proclamations spoken of?—A. It was as to one, but not as to the other.

Q. Which one was broken up?—A. The Palmetto social club.

Q. Did the proclamations of the governor and the President break up the social club spoken of in your evidence?—A. They did.

Q. Will you explain to me how the proclamations, as you have before stated, being only and exclusively directed against illegal and armed organizations, operated to break up, and disband, and disorganize the Palmetto social club, of which you have stated you was a member?—

A. Because, in compliance with the known wishes of General Hampton on the subject, we wished to avoid even the appearance of a violation of the law.

Q. Do you know anything of what is called the land-pledge? If so, what did it mean?—A. Yes, I know the land-pledge. My interpretation of the land-pledge was that we refused to help those who voted against us in the ensuing election for State and county officers.

Q. Is it not the fact that the democrats of the county of Darlington were fully and thoroughly organized, and had frequent meetings, and at those meetings all the participants agreed to abide by the decision of the majority in relation to the political matters pending during the campaign of 1876?—A. So far as my club was concerned, we did in some particulars agree to abide by the decision of the majority, and in some we refused.

Q. Were you a member or officer of any club? If so, state what office you held, and of what club.—A. As before stated, I was a member of two—the Palmetto social club. I held no office in the Lang Township democratic club. I was chairman of the executive committee.

Q. Were you also a member of the general democratic executive committee of the county?—A. I was a member of the democratic executive committee of the county of Darlington.

Q. Do you not know that resolutions or votes were passed, and adopted, and published by the democratic party pending the campaign of 1876, in purport and substance that the democrats, land-owners, would not lease lands, or furnish supplies, or give credit to any person or persons who should vote the radical ticket at the then pending election?—A. There was a paper of such a nature published or promulgated as to State officers, which was understood to apply to State officers.

Q. Were you present at any of the polls in the county of Darlington when votes were thrown on the 7th of November, 1876; and, if so, at which poll?—A. I was at Darlington Court-House at both polls during the day.

Q. To your knowledge was there any distinction made in the tickets cast at either of those polls between national and State officers?—A. None, of course.

Q. How, then, can you say that any influences brought to bear in relation to State officers did not equally affect the ticket for presidential electors and members of Congress?—A. We offered, in talking to the voters, to change their tickets for them if they desired it, and this was done in a few instances.

Q. Did the land-pledge, so called, make any material change in the vote of Darlington County?—A. I do not think it did.

Redirect:

Q. In your cross-examination yesterday as to the number of votes polled in this county by the respective parties, did you speak from recollection or from memoranda in your possession?—A. I spoke from recollection.

Q. Have you since refreshed your memory by reference to memoranda taken by you at the time?—A. Yes, I have.

Q. Do you wish to correct the figures given in any particular?—A. I do as to the number of votes cast for democratic member of Congress. The number was about 2,700. As to the excess over the white vote, the number cast was about 200; as to the number of votes cast for Rainey, about 3,500.

Q. Was the whole vote cast in excess of the census taken by the dem-

ocratic party just before the election? If so, how much?—A. It was about 500.

(The above question and answer is objected to by contestee's counsel for the reason that it refers to an *ex parte* and not an official census, and is therefore entirely unsupported by legal or sufficient authority.

The counsel for contestant insists that the question and answer objected to are competent, the matter in question having been brought out by the other side.)

Q. Can you explain the discrepancy between the census and the vote? —A. Only by the republicans voting under age and repeating.

(The contestee's counsel objects to the above question and answer for the reason that it is not in reply or rebuttal, and for the further reason that if in any shape admissible, it is not now, as being cumulative.

The contestant's counsel says the matter is strictly in reply to the testimony brought out by the counsel for contestee.)

E. R. McIVER.

Sworn to and subscribed before me this 17th day of April, A. D. 1877.
[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of William E. James.

WILLIAM E. JAMES, having been called as a witness for the contestant, and duly sworn, testified as follows, to wit:

Question. Are you a resident of Darlington County, and were you present at the last general election?—Answer. I am and was.

Q. What is your occupation?—A. Planter.

Q. But for the interference in that election by the State and Federal executives by proclamations and by the introduction of troops into the State, which party, in your judgment, would have carried the county?—

(Objected to as calling for an expression of opinion.)

A. The democratic party. This was conceded by prominent members of the republican party.

Cross-examination:

Q. Please state by whom this concession was made.—A. I can't state that any such concession was made to me personally.

Q. Was there any such concession as referred to in your answer in your direct examination made by any member of the republican party, prominent or otherwise?—A. None to me by any republican, prominent or otherwise.

Q. Why, then, in your direct examination, under oath, did you state that such concessions had been made to you by prominent members of the republican party?—A. I didn't say that any such concession was made to me, but I heard of it.

Q. Then, is not your entire direct testimony in this case a matter of hearsay, and not of positive knowledge?—A. As to that particular point, it is.

W. E. JAMES.

Sworn to and subscribed to before me this 17th day of April, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of Dr. John A. Boyd.

JOHN A. BOYD, having been called as a witness for contestant, after being duly sworn, testified as follows, to wit :

Question. Are you a resident of Darlington County, and were you present in the county on the 7th of November, 1876?—Answer. I am and was.

Q. What is your occupation?—A. Druggist.

Q. Larry Aiken says that the so-called rifle-club here had rifles brought in boxes from the depot and stored in different houses, and when asked what houses, your store was named as one. Is this the fact?—A. No, sir.

Q. It has been said upon the other side that the democrats had arms deposited in your store on the day of the election. Is this the fact?—A. There were some there; some four or five; they belonged to friends of mine who came in from the country and left them there.

Q. Is it or not true that in consequence of a report prevalent among the republicans that arms were kept at your store by the democrats you have ever heard of any threats to burn your store?—A. Yes, sir.

Cross-examination :

Q. How many guns of all kinds had you in your store on the night before election?—A. Three, sir.

Q. To whom did they belong?—A. One to myself, one to Mr. Wilcox, my clerk, and one to Mr. Lewis, who stays there.

Q. How long had those three guns you speak of been there?—A. Some 5 or 6 months as to Mr. Lewis's, and some few weeks as to Mr. Wilcox's and my own.

Q. How long have you occupied the building you now occupy as a drug-store?—A. About 5 years.

Q. Has it or not been your custom to sleep there yourself, or did you hire some one?—A. I slept there myself with my clerk.

Q. Was that not for the purpose of protection?—A. Yes.

Q. Was there any change in that practice last fall during the political campaign?—A. No, sir.

Q. Is it not the usual custom or habit of traders in this community to sleep in their stores at night as a matter of protection?—A. I think so.

Q. And your custom was in accordance with the general custom?—A. It was.

Q. During the last political campaign were you an agent for any parties in New York or elsewhere for the purpose of furnishing arms to persons or parties in the State of South Carolina?—A. I was not.

Q. During said campaign did you send any orders to any party or parties for arms—I mean rifles, guns, or pistols, of any description—to be sent and delivered to your office?—A. I did.

Q. How many or what?—A. Eight Winchester rifles; some six, eight, or ten pistols; don't remember.

Q. Did you send for any extra ammunition?—A. None, except what came with the guns and arms—100 rounds came with each.

Q. You have said that there were some friends of yours who left their arms in your store?—A. Some 3 or 4.

Q. What time of day or night were they left there?—A. I don't know.

Q. Were you present when they were left?—A. I was not.

Q. Was your store open during the night preceding the election?—A. Yes, sir, the first part of the night, and I was there myself.

Q. How then can you say 3 or 4 guns only were left, if you were present, and you not know it?—A. Those guns were brought on the morning

of the election. When the troops had come in, on the afternoon of the 7th, and were stationed at the jail, Joe Douglas and others told it that the troops had taken possession of their guns in the jail and placed a guard over them; and it was said by some of the republicans that the troops had taken possession of their guns, and that they were going to have them place a guard at my store, as the democrats had their guns there. Upon inquiry I found three or four, which I was informed by my clerk had been brought the morning of the election.

Q. How far was your store from the polling-place on the morning of the 7th of November, 1876?—A. About 50 yards.

Q. At what time did the United States troops place a guard over the arms in the jail?—A. It was late in the afternoon.

Q. Was it before or after the mass of the votes had been polled at that place?—A. It was after. Most of them had been polled in the morning.

Q. Did you know or hear of arms being placed in the jail previous to a guard being placed there?—A. I heard of it; saw the crowd go in, but didn't see the guns.

Q. Don't you know, as a matter of fact, that the troops did not come and place a guard over the jail until about some time after sundown?—A. I do not.

Q. Are you willing to swear that the troops took possession of the jail, and stationed their guard more than half an hour before sunset?—A. Won't swear as to time; don't remember.

Q. Did you see any United States soldiers about the polls or in any way interfering with the election on the 7th of November last?—A. I did not, until they were placed on guard at the jail.

Q. Was that not after all or nearly all the votes had been cast at poll No. 1?—A. Don't know.

Q. After the United States troops were placed on guard over those arms in the jail, were any of them taken out or used in any way to influence the election on the 7th of November?—A. Not that I know of.

JOHN A. BOYD.

Sworn to and subscribed before me this 17th day of April, 1877.

WM. J. SAUNDERS,

Notary Public.

Deposition of J. F. Early.

J. F. EARLY, having been called as a witness for the contestant, after being duly sworn, testified as follows, to wit:

Question. Do you remember to have received a letter from L. R. Ragsdale just before the meeting at Timmons ville in August last?—A. I do.

(Objection to the question and answer as irrelevant to the issue now pending.)

Q. Can you produce the letter?—A. I cannot.

Q. Gordon swore that you and Ragsdale had arranged to have 1,500 armed democrats at Timmons ville at the meeting in August last? Is this the fact?—A. It is not; there was no such arrangement.

Q. He also swore that the letter contained the following language: "Bring as many armed men as you can, and as many mounted as possible, as these will make a great show and frighten the negroes." Did the letter contain such language?

(Objected to for the reason that the letter referred to from the tenor

of the examination appears to be from one democrat to another, and therefore not in the possession of the previous witness; and the presumption being that it is in the possession of the party to whom it is addressed, it is incumbent upon him to produce it as the best evidence; failing to do so and failing to account for its loss, its contents cannot now be offered in evidence.)

A. It did not.

Q. Where is the letter?—A. It was lost.

J. F. EARLY.

Sworn to and subscribed before me this 16th day of April, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of G. W. Dargan.

G. W. DARGAN, having been called as a witness for the contestant, after being duly sworn, testified as follows, to wit:

Question. Are you a resident of Darlington County, and were you present at the general election of November 7, 1876?—Answer. I am, and was.

Q. Your occupation?—A. Lawyer.

Q. What was the state of feeling between the two political parties here early in the campaign?—A. No bitterness in the early part of the contest.

Q. What was the state of feeling immediately preceding the election?—A. Very bitter.

Q. Can you account for this?—A. It was the natural result of the prolongation of the contest, aggravated by the proclamations of Governor Chamberlain and President Grant.

Q. In your judgment, what effect had these proclamations, and the threatened and actual introduction of troops into the State, upon the two political parties?—A. The loss of thousands of votes to the democracy.

Q. In your judgment, but for those measures, which party would have carried this county?—A. The democratic party, by several hundred votes.

Q. What was the purpose of the democratic organizations in this county?—A. Defensive, so far as I know, and purely political.

Q. Were they military organizations?—A. They were not.

Q. Were you or not an officer of the club at this place?—A. I was.

Q. What has always been your position in politics?—A. Always been conservative. I was a Chamberlain man up to the time of General Hampton's nomination. I was opposed to General Hampton's nomination.

Q. Have not the republicans of this county sought to put you in nomination for office?—A. I have been approached by republicans of some prominence on various occasions and asked to allow my name to be used for office.

Q. With reference to the land-pledge, was there not a distinction drawn between the State and Federal tickets?—A. There was.

Q. Was not this distinction carefully explained to the voters by yourself and other democratic speakers?—A. It was.

Q. What was the bearing of the republicans in the latter part of the campaign?—A. Exceedingly aggressive.

Q. Was the peace and quiet of this town ever disturbed; and, if so,

by what political party?—A. The peace and quiet was disturbed on several occasions; of my own knowledge I can't speak of but one case. On Saturday night preceding the election of the 7th of November, 1876, the republicans were returning from the political meeting at Timmons-ville, when, coming through this town a little after dark, I was on the street. They were howling, cursing democrats, shooting off guns and pistols, and acting in a very riotous and disorderly manner, and I considered my life in danger. I thought it unsafe to walk the streets.

Cross-examination:

Q. Can you tell me how many votes were thrown in the county of Darlington at the last general election?—A. I was one of the commissioners of election, and think there were about 6,000 or over.

Q. How much over 6,000?—A. A few hundred.

Q. About how many?—A. Say 6,200 in all.

Q. How many republicans?—A. About 3,200 or 3,300, to the best of my recollection.

Q. How many democrats?—A. About 2,700. The record will show.

Q. Did you assist in the counting of the vote?—A. I did. It was a part of my duty.

Q. Was the count an honest count?—A. It was an honest count.

Q. You have stated in the direct examination that early in the campaign there was no bitterness between parties; but later, and immediately preceding the election, there was great bitterness. Did not that bitterness grow out of the fact that threats were made by one party or the other against its opponent?—A. I stated on my direct examination that there was no special bitterness in the beginning of the campaign, but that there was later. The cause of it, I stated, was due, in part, to a prolongation of the contest, aggravated by the proclamations. There is no doubt, also, that that bitterness was added to by the vigor and resolution manifested by both political parties in South Carolina, and by the importance which both parties seem to attach to the result of the canvass. There were threats on both sides.

Q. Was the last political campaign an unusually warm one?—A. It was.

Q. When did it begin?—A. The latter part of August, and ended the 7th of November.

Q. Did not this campaign include the election of electors of President and members of Congress, as well as State officers; and were not the nominations of candidates for President and Vice President of the United States made earlier than the latter part of August?—A. Yes, sir, it did, and was a month or six weeks; don't remember exact time.

Q. Were not the people of the State of South Carolina, both white and colored, very much interested in the result of the national election?—A. A considerable portion of the white people of South Carolina were not as much interested in the earlier part of the campaign as they usually are in such campaigns. According to my judgment, the colored people in the earlier stages of the campaign were not as much interested as they usually are. Very soon after the commencement of the campaign vigorous efforts were made by the leaders on both sides to awaken an interest in the matter, and they succeeded.

Q. In what way or manner did that interest exhibit itself? Did it not exhibit itself in the organization of clubs on the one side and the other?—A. That is one of the ways in which it exhibited itself. There were organizations of clubs on both sides.

Q. Were not these clubs on both sides, by whatever name called, unusually active and energetic in their respective causes?—A. They were.

Q. Did not the democratic party exert itself and do its utmost to procure all votes possible for its candidates?—A. It did, as far as the State officers were concerned. There was a very vigorous effort made by the democrats from the first to carry the election. So far as the national canvass was concerned, there was a lukewarmness among a portion of the democrats until late in the campaign, subsequent to the proclamations, when there was an earnest effort to carry the whole thing.

Q. To what end and for what purpose were the proclamations of the governor of South Carolina and the President of the United States in relation thereto directed?—A. Ostensibly to the preservation of peace.

Q. In what way?—A. Ostensibly for the purpose of disbanding alleged illegal organizations.

Q. Did the proclamations of the governor and President have any effect upon anything or anybody but illegal organizations existing, or supposed to be in existence, in the State of South Carolina?—A. I know of no illegal organizations in South Carolina.

Q. Were there any organizations or bodies of men in Darlington County that were affected by the said proclamations?—A. None were.

Q. What were they? Please name them.—A. The political clubs.

Q. Did the proclamations declare the purpose of the government either of South Carolina or of the United States to interfere in any way with a purely political unarmed organization or association of men?—A. They did not.

Q. Will you please tell me in what way these proclamations could have operated to disband or disorganize a purely peaceable and political association?—A. In this way. The republican party in South Carolina has had its organizations for eight years, similar to those existing in the last campaign. The democrats never had such organizations until during the last campaign. As soon as they were organized, apparently about to carry the State, Governor Chamberlain issued his proclamation, and wrote letters, and made speeches, in which he stigmatized them as illegal organizations, organized for the purpose of carrying the election; and as there were no other organizations in the State among the democrats, his proclamation could have but one meaning.

Q. Did you know of any republican organization existing in the county of Darlington, except for purely political purposes, against which, as you have before stated, the proclamation did not run?—A. There were in Darlington County two or three republican organizations, as I believe, called militia companies, armed with State arms, officered exclusively by republicans. These organizations had been inactive and dormant for a year or two preceding the election. They showed signs of life soon after the canvass opened, which developed into vigorous activity before the campaign ended. It was openly declared by these officers, and accepted by them, that they were the champions of the republican party, and intended to carry the election.

Q. Is it not within your knowledge, as a lawyer, that these companies, spoken of as the militia, were regularly organized under the laws of the State, and constituted a part of the militia force of the State?—A. I have no positive knowledge on the subject. There is a law of the State empowering the governor to organize the militia. It was claimed by these companies that they were organized under the law.

Q. Were there not threats made, or generally believed and credited among the colored people to have been made, that if the republicans attempted to hold a meeting the democrats would be present in force and demand and insist upon a part of the time allotted for speeches at such meetings?—A. It was generally believed by the colored people, in

my judgment, up to a short time before the election, that the democrats would be present at their meetings and demand a division of time. This belief the republicans leaders did all in their power to foster and exaggerate.

Q. Did not that belief that you have stated exercise a controlling influence upon the minds of the colored men, and thereby induce them to go to such meetings with arms, whereas otherwise they would not have done so?—A. Yes. This belief was of great advantage, in my judgment, to the republican party, in consequence of the antagonism excited between the races. The rank and file would not have carried arms, nor objected to the division of time, had they not been induced to do so by their leaders.

(All answer after the word "yes" objected to as not being responsive to the question.)

Q. Did you know anything about the so-called land pledge made by the democratic party in the earlier part of the campaign of 1876? If so, please state what it was.—A. I know nothing about land pledges made in the earlier part of the campaign. The pledges, so called, were made in the latter part of the campaign. The land pledge, as I understand it, had exclusive reference to State officers, and was based upon the assumption and belief by the democratic party that with a few honorable exceptions the candidates for State officers were a set of *rogues*. The purport of the pledge was that if parties, *tenants*, voted for these alleged villains, the landlords would decline to renew their leases upon the expiration of the same.

Q. In your judgment, did that land pledge have any effect upon the vote for Presidential electors or for member of Congress in this district; if so, what?—A. It did. Some votes were gained, I think, for national officers, but more were lost. I think it helped the State ticket for Hampton.

G. W. DARGAN.

Sworn to and subscribed before me this 17th day of April, 1877.

[SEAL.]

WM. J. SAUNDERS.

Certificate of notary.

STATE OF SOUTH CAROLINA,
Darlington County:

I, Wm. J. Saunders, a notary public in and for the State aforesaid, do hereby certify that, in pursuance of the notices duly given and served upon the contestee, through his counsel, on the 7th day of April, A. D. 1877, and another on the 10th of April, A. D. 1877, in the case of Jno. S. Richardson, contesting the seat of Joseph H. Rainey, returned member of the Forty-fifth Congress of the United States of America, the above testimony, consisting of one hundred and fifty-one pages, was duly taken in behalf of the contestant, appearing by his counsel, T. G. Dargan, and the said contestee by his attorney; that the within-named witnesses were duly sworn by me, and testified before me as written, which said testimony was written by me as deposed by said witnesses, and subscribed to by them, and each of them, respectively, as appears by their, and each of their, respective signatures or marks at the end of their, and each of their, respective depositions. I do further certify that I have attached notices to take testimony as aforesaid with proof of service.

In testimony whereof I have hereunto set my hand and official seal at Darlington, State of South Carolina, this 17th day of April, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS.

No. 24.

JNO. S. RICHARDSON } Contested election, first congressional district
vs.
 JOSEPH H. RAINEY. } South Carolina.

Depositions taken at Florence, South Carolina, on 20th day of April and *seq.*, 1877, before Wm. J. Saunders, a notary public in and for the State aforesaid, on the part of the contestant, the contestant being present by his counsel, T. G. Dargan, esq., and the contestee by his counsel, Elihu C. Baker, esq.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Notice to take testimony.

JOHN S. RICHARDSON, CONTESTANT, }
against } Contested election.
 JOSEPH H. RAINEY, CONTESTEE. }

STATE OF SOUTH CAROLINA,
First Congressional District:

TO JOSEPH H. RAINEY:

Take notice that the testimony of the following-named witnesses in rebuttal will be taken at Florence, South Carolina, before W. J. Saunders, notary public, commencing on the 20th day of April instant, and continuing from day to day thereafter, the testimony taken to be used on behalf of the contestant in the case stated, the witnesses being residents of Darlington County, to wit: A. B. Henegan, James H. Pawley, T. S. Gaillard, S. O. McCown, W. P. Gee, W. P. Cole, John Blackwell, Rufus Brunt, John Cox, Albert White, Adam Gibbes, James Hamilton, Isaiah Meyers, Henry Black, M. S. Haynsworth, James Allen, C. E. McPherson, Ray Robinson, ——— Howe, J. E. Pedelford, R. M. Walker, David Hamby, William Quirk, T. W. Hart, G. McD. Stoll, A. W. Thomson, W. J. Norris, J. A. Wilson.

14th April, 1877.

T. G. DARGAN,
Attorney for J. S. Richardson.

Notice to take testimony.

JOHN S. RICHARDSON, CONTESTANT, }
against } Contested election.
 JOSEPH H. RAINEY, CONTESTEE. }

STATE OF SOUTH CAROLINA,
First Congressional District:

TO JOSEPH H. RAINEY:

Take notice that the following-named additional witnesses will be examined before W. J. Saunders, notary public, at Florence, South Carolina, on 21st of April, instant, on behalf of the contestant, the testimony taken to be used in the case stated, the witnesses being residents of Marlborough County, to wit: C. S. McCall and H. H. Newton.

16th April, 1877.

T. G. DARGAN,
Attorney for J. S. Richardson.

TESTIMONY IN REBUTTAL TAKEN AT FLORENCE, S. C.

Deposition of W. P. Gee.

W. P. GEE, having been called as a witness for the contestant, after being duly sworn, testified as follows, to wit:

Question. Are you a resident of Darlington County, and were you present on the 7th of November, 1876?—Answer. Yes; I am, and was at and voted at the Florence precinct.

Q. You live in the Ebenezer neighborhood and are by occupation a planter?—A. I do, and am.

Q. Did the Ebenezer democratic club ever drill with arms?—A. They did not.

Q. Do you know anything of arms being sent to the colored republicans at Ebenezer preceding the election?—A. Yes, sir; I know that they had them; I saw them with them; they were breech-loading rifles; they said they were State arms.

Q. Had they ammunition?—A. They had accouterments and cartridge-boxes, and said they had ammunition.

Q. Had they had these arms long before the election?—A. It was a short time before I saw them.

Q. Did they have them after the proclamations of the governor and President?—A. They still had them.

(To all of the above questions and answers relating to arms or ammunition, contestee's counsel objects: 1st, because it is not in reply; 2d, it is irrelevant to any aspect of the case; 3d, as it appears in the answers the whole matter testified to is a matter of hearsay only.)

Q. After these proclamations, and after the introduction of troops into the State, did you observe any change in the colored voters?—A. I did not until they came here; then I did.

(Object to question and answer as cumulative and not in reply.)

Q. In your judgment, what effect had the proclamation and troops upon the colored voters?—A. Those that wouldn't vote for us manifested a spirit of not voting either way, but after the troops came here they said they would vote the republican ticket.

Q. Then you think that their presence hurt the democrats in the election?—A. Yes, sir.

(Objected to the above question and answer. First, the evidence is cumulative and not in reply, and therefore inadmissible; second, that the answers are expressions of opinion and retailing hearsay statements.)

Q. If you know of any instances of illegal voting, give them.—A. I know of one—Cæsar Ham. He was born the 8th of November, 1854. This is the only case I know. When I made the above statement I thought this man was under age, but upon comparing figures I find that the man was of age. I therefore desire to correct my evidence by withdrawing the previous statement as to illegal votes.

Cross-examination:

At this point the examination is necessarily adjourned. Upon re-meeting, in consequence of the illness of the witness and his inability to attend, the cross-examination is waived by contestee's counsel, and it is agreed by counsel on both sides that the evidence as above taken may be admitted, waiving all informalities.

ELIHU C. BAKER,
Of Counsel for Contestee.
T. G. DARGAN,
Attorney for J. S. Richardson.

Sworn to before me this 20th day of April, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS.

Deposition of Maj. James H. Pawley.

JAMES H. PAWLEY, having been called as a witness for the contestant, and being duly sworn, testified as follows, to wit:

Question. Are you a resident of the county, and were you present on the 7th of November last?—Answer. I am, and was.

Q. Witnesses for Mr. Rainey have sworn that you and A. B. Henagan drew your guns upon B. F. Whittemore while he was addressing a political meeting held at Timmons ville in August last. Is this a fact?—A. I did no such thing.

Q. Did you see any one else do it?—A. I did not, sir.

J. H. PAWLEY.

Sworn to and subscribed before me this 20th day of April, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS.

Deposition of James Allen.

JAMES ALLEN, having been called as a witness for the contestant, and being duly sworn, testified as follows, to wit:

Question. Do you know Wesley Williams?—Answer. I do.

Q. What is his character for veracity?—A. Very bad.

Q. Would you believe him on oath?—A. I would not.

Q. Did you say to Wesley Williams that the democrats would carry the election held on the 7th of November last if they had to kill out all the republican leaders?—A. I did not.

JAMES ALLEN.

Sworn to and subscribed before me this 20th day of April, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS.

Deposition of William K. Howe.

WILLIAM K. HOWE, having been called as a witness for the contestant, and having been duly sworn, testified as follows, to wit:

Question. Are you a resident of Darlington County, and were you here on the 7th of November, 1876?—Answer. I am, and was.

Q. Do you know Louis Richardson?—A. I do. He used to belong to me, with his whole family.

Q. Was he or not of age on the 7th of November, 1876?—A. He was. He was 21 in June or July, 1876.

Q. It has been sworn on the other side that there was no interference with democratic voters at this poll. What do you say?—A. I saw one Boyd Glasgow, a colored democratic voter, jeered at by negro women.

Cross-examined:

Q. You have stated that Louis Richardson and his family belonged to you and your family; how many were there in the family to which Louis Richardson belonged? Please state their names.—A. Laura, Calvin, Louis, Serina, Samuel, up to the time of emancipation.

Q. In what year was Louis, referred to in your testimony, born?—A. In June or July, 1855.

Q. What year was Calvin born?—A. Don't know as to Calvin, but do know as to Louis, because I sent for the register of births kept by my family, on the day of election. This register shows the dates of all of their births. I was interested as to Louis, and not as to the others.

Q. In what year was Laura born?—A. I don't know as to any except Louis.

Q. Did you examine the register referred to before the day of election?—A. I answered I did not, but did on the day of election.

Q. Did you not before the day of election tell Louis that he had a right to vote?—A. I did not.

Q. Previous to the day of election did you know from any conversation had with Louis that he intended to vote?—A. I did not.

Q. When was the first time that you knew that Louis was offering to vote?—A. At the polls.

Q. At what time of day?—A. At about half past two o'clock p. m.

Q. At that time had you examined the register alluded to, which contained the dates of the births of the various Richardson children?—A. No; I voted him, and then sent for the register of his birth.

Q. Where is that register now?—A. It is at home.

Q. By whom was it kept, and by whom was it made?—A. By my parents, and before I was born.

Q. State, if you know, when the entries made upon that register alluded to were made; whether at the time of the birth of these children or at some subsequent time.—A. I don't know. I think at the birth.

Q. Have you any certain knowledge as to the last matter inquired of?—A. No, sir.

Redirect examination:

Q. Did this man vote the democratic ticket in the face of opposition from the republican voters present?—A. He did—strong opposition.

Q. You are fully satisfied he was entitled to vote?—A. Yes, sir.

W. K. HOWE.

Sworn to and subscribed before me this 20th day of April, 1877.

[SEAL.]

WM. J. SAUNDERS.

Deposition of John W. Cox.

JOHN W. COX, having been called as a witness for the contestant, upon being sworn, testified as follows, to wit:

Question. Are you a resident of Darlington County, and were you present on the 7th of November, 1876, in the county?—Answer. I am, but was not in the county on the 7th of November, 1876.

Q. Where were you?—A. I was in Marion County.

Q. Who went with you?—A. James Hamilton, Andrew Gibbs, Isaiah Myers, Henry Black.

Q. E. H. Deas swears that these men were enticed into a swamp by you to go hunting, and were bought and persuaded to keep them from voting the republican ticket. Is this the fact?—A. No, sir.

(I object to the above question for the reason that it is curtailed and garbled; in that it does not embrace in its terms the full subject alluded to; in that it is, by contestant's counsel, carefully avoided to ask by whom the said parties were induced to go to the swamp, as stated.)

Q. Did those men want to vote the republican ticket, and were they kept from doing so by you or any one else?—A. No, sir.

Cross-examined:

Q. Do you know what were the political sympathies of Albert White?—A. He was a republican.

J. W. COX.

Sworn to and subscribed before me this 20th day of April, 1877.

[SEAL.]

WM. J. SAUNDERS.

Deposition of T. S. Gaillard.

T. S. GAILLARD, having been called as a witness for the contestant, after being sworn, testified as follows, to wit:

Question. Wesley Williams swears that you told him that the democrats would fight before Chamberlain should be governor, if he was ten thousand votes ahead. Is this so?—Answer. No.

Q. Do you know the general character of Wesley Williams?—A. I do.

Q. What is his character for veracity?—A. He has none.

Q. Would you believe him on oath?—A. I would not.

Q. J. T. Moore says that same Isaiah was discharged by you four days before the election because he intended to vote the republican ticket; and that Calvin Wiggs was so discharged three days before the election because he would not vote the democratic ticket. Is this so?—A. No, sir; I did not discharge them for those reasons. Wiggs was not employed by me.

THEODORE S. GAILLARD.

Sworn to and subscribed before me this 20th April, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS.

Deposition of William P. Cole.

W. P. COLE, having been called as a witness for the contestant, and after being duly sworn, testified as follows:

Question. Are you a resident of Darlington County, and were you here on the 7th of November, 1876?—Answer. I am, and was.

Q. Are you from the Ebenezer neighborhood?—A. I am.

Q. One of the witnesses for Mr. Rainey says that he saw the Ebenezer Democratic Club drilling with arms during the late political campaign. Did they ever so drill?—A. They never did.

Q. Do you know anything of arms being sent to the colored republicans in your neighborhood pending the late election?—A. The guns were very bright and new, and they got them with cartridge-boxes and accouterments, also new, just before the election.

Q. What was the character of these arms?—A. They were breech-loading rifles; they said they were State arms.

Q. Were these arms held by these people after Governor Chamberlain's proclamation?—A. They were, and they were carried by them openly, even on Sundays.

Q. After the proclamations referred to, and after the introduction of troops into the State, did you observe any change in the negroes' deportment?—A. I could see a material change among those in our immediate community.

Q. Were they more or less hostile toward the democrats?—A. They were more so.

Q. In your judgment did the presence of the troops affect the democrats injuriously?—A. I think it did.

Q. At an early stage of the canvass, were not the democrats hopeful of carrying the county?—A. They were.

Q. Was this hope weakened by the proclamations and the coming of the troops?—A. Yes.

(The last five questions and the answers to the same are objected to as being opinions only.)

Cross examined :

Q. What was the club named at Ebenezer, that was in the habit of drilling previous to the last election?

(Objected to as the witness has said no such thing.)

A. "Ebenezer Social Mounted Club;" they did drill before the proclamations, about twice. We mounted our horses and went through the cavalry maneuvers, but without arms.

Q. Who did you see of colored republicans in your neighborhood having arms pending the late election? I don't care for the names; I want to know about how many.—A. I have seen about fifteen that carry them regularly, whose names I could give. I am satisfied that there were at least twice that many in the neighborhood; I saw them drilling.

Q. Is it not within your knowledge that there was a military company at Timmons ville known as State militia, organized in accordance with the law of the State of South Carolina?—A. Not of my own knowledge.

Q. Do you not know that there is a provision of law in the statutes of South Carolina authorizing and requiring the formation and existence of militia companies in the State?—A. I am not acquainted with the statutes and cannot say.

Q. How far is Ebenezer from Timmons ville?—A. Six miles.

Q. Have you not seen a militia company in uniform and with arms at Timmons ville, or its neighborhood, drilling and under the command of one Captain Owens?—A. I have seen a number of colored with arms under Captain Owens, no uniform whatever, and the several men in our neighborhood who had breech-loading rifles were not in that company drilling.

Q. Was it not a matter of general repute in the community that there was a company of militia in the neighborhood of Timmons ville regularly organized and armed by the authority of law and under the orders of the governor of the State of South Carolina?—A. They did once exist.

Q. When was that?—A. I cannot state definitely what time. It was two years or more.

Q. Have you ever known or heard of said company having been disbanded or broken up by authority of law, or by the order of the governor of the State?—A. I never have.

Q. So far as any knowledge or information of your own is concerned, is not that company now in legal existence?—A. I really do not know.

Q. How many white men in your neighborhood own and occasionally carry rifles, breech-loading or otherwise, double-barreled guns, or other kinds of fire-arms?

(Objected to as irrelevant, the question not looking to any illegal organization.)

A. Can't say that they carried their guns any more than they usually did. There were then (before the election—since that time, since burning commenced, they have recruited) five Sharps' rifles, shot-guns and pistols about the same quantity, in that neighborhood.

Q. Do you know a white man, old enough to vote, within five miles of you in any direction, who does not own a rifle, gun, or fire-arm of some description?—A. I hardly think I do.

Q. You have spoken of guns which the colored people had just before the election; have you any knowledge of your own as to the source from which they were procured?—A. Not of my own knowledge.

Q. How long before the election did any troops arrive in Darlington County?—A. I can't state the time; a short time.

Q. Were they here a week before the election?—A. I can't state the time, but think they were; I met often.

Q. How many times were you in Timmons ville after the troops came there before the election?—A. I can't state; I met them often after the election.

Q. Did the stay of the troops after the election have any effect upon the votes thrown on the day of election?—A. No.

Redirect examination :

Q. Is it not the fact that the colored militia had remained inactive for a long time until just before the election?—A. They had.

Q. Is it not usual for white men, living in the country, to have arms of their own, without reference to any election?—A. Yes. And it is especially so since the election; it is necessary for the protection of our homes.

Q. Is it not unusual for the colored men to bear arms?—A. It is.

Q. Where were the arms which you have spoken of as being held by them reported to have come from?—A. From Governor Chamberlain, at Columbia, through Representative Humbert, to Isaac Rafta, at Timmons ville.

Q. Is it not true that United States troops were brought into the State before they came into this county, and was not this fact generally known?—A. It was.

(As to the two questions referring to the source from which the arms came, objection is made as being opinion or report and not knowledge.)

W. P. COLE.

Sworn to and subscribed before me this 20th of April, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS.

Deposition of William J. Norris.

WILLIAM J. NORRIS, having been called as a witness for the contestant, after being duly sworn, testified as follows, to wit:

Question. You were at the head of the democratic social club at Florence?—Answer. I was.

Q. Was it an armed organization?—A. No. Individual members had arms, others had not. It was not a military company, but was gotten up principally to do patrol duty for the citizens of the town. There was a good deal of excitement growing out of the campaign, the colored people having formed a large armed company here. We thought it necessary to perfect some organization as a means of protection if it became necessary, the town council being unable to afford protection to the citizens.

(Objected to as being repetition of former evidence of the same witness.)

Q. It has been said by a witness for Mr. Rainey that this body drilled with arms, and appeared upon the streets of Florence by night with arms. Did they so drill, and did they so appear for other purpose than patrol duty?—A. They never drilled with arms to my knowledge, nor did they appear on the streets with arms. Even doing patrol duty the men were requested to carry their side-arms only—those who had them—and were further requested not to appear on the streets on guard duty in larger numbers than two or three together.

Q. Did this club have arms deposited at Layton's Hall, in this town, on the day of the election?—A. Not to my knowledge, or by my order

Q. If this was not an armed organization, why did it promptly disband upon the issuance of the governor's proclamation?—A. We did so from prudential reasons.

Cross-examination:

Q. When was this organization you have spoken of first formed?—A. I think about the 1st of October, 1876.

Q. Was there not an organization composed of the same persons, mostly, in existence here previous to that time?—A. Not to my knowledge.

Q. Were anybody but democrats members of the social club to which you have alluded?—A. I don't think there was.

Q. Would any republican have been admitted as a member of said club?—A. Any decent white republican would have been admitted who had applied.

Q. Then I understand the organization was confined entirely to white men; was that so?—A. The members of that organization were all white. We never had application for membership from any colored men. When the call for this organization was made the hall was opened for the admission of all persons who desired to attend the meeting and to aid in organizing a force of men for the purposes already named, namely, that of guard duty.

Q. Was it not distinctly understood and announced that this club was intended to be, and in fact was, a democratic club?—A. It was not so announced. I believe that every member of it was a democrat.

Q. Was it not understood and considered in the community to be a democratic club?—A. I think its existence was too short for the community to form any opinion about it. It only existed a week or two.

Q. Have you ever read the proclamation of Governor Chamberlain?—A. Yes, sir.

Q. Was that proclamation directed against any but illegal armed organizations?—A. I regarded it as being directed against all the white organizations in the State, as only the colored people were considered loyal enough to belong to the militia.

Q. Did that proclamation in its terms refer to any purely political unarmed organization, either white or colored?—A. The proclamation did not so say.

Q. Did it not, on the contrary, distinctly and exclusively refer to and designate illegal armed bodies only?—A. I don't know that I remember enough of that proclamation to answer the question without refreshing my memory.

Q. By whose appointment and under whose authority did your democratic club perform patrol duty?—A. Under the orders of the intendant and council of the town of Florence, who were composed of republicans and democrats. It was to aid the town-marshals in keeping order in the town.

Redirect examination:

Q. Would a democrat, so announcing himself, have received admission, think you, to the wide awake radical club at Florence?—A. I have no idea that he would.

(Objected to, 1st, it is not in reply to any evidence in this case; 2d, is irrelevant.)

WM. J. NORRIS.

Sworn to and subscribed before me this 20th of April, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS.

Deposition of Andrew Gibbs.

ANDREW GIBBS, having been called as a witness for the contestant, after being duly sworn, testified as follows, to wit:

Question. Are you a resident of this county, and were you here on the 7th of November last?—Answer. I am, but was not here.

Q. Where were you?—A. Was in Pee Dee Swamp hunting, in company with James Hamilton, John W. Cox, and several others.

Q. Were you “bought” or “persuaded” or “enticed” by Albert White or anybody else to go there to be kept from voting the republican ticket?—A. It is not so; I was not.

Q. Why did you go to the swamp?—A. Because I had a sweetheart there, and wanted to hunt something. Was not persuaded by anybody.
A. W. GIBBS.

Sworn to and subscribed before me this 20th day of April, 1877.

[SEAL.]

WM. J. SAUNDERS.

Deposition of James Hamilton.

JAMES HAMILTON, having been sworn as a witness for the contestant, testified as follows, to wit:

Question. Are you a resident of Darlington County, and were you present on the 7th of November, 1876?—A. I am a resident, but I was in Pee Dee Swamp, Marion County.

Q. Did anybody entice, persuade, or buy you to go there to keep you from voting the republican ticket?—A. No, sir; no one persuaded or enticed me.

his
JAMES + HAMILTON.
mark.

Sworn to and subscribed before me this 20th day of April, 1877.

[SEAL.]

WM. J. SAUNDERS.

Deposition of John C. Blackwell.

JOHN C BLACKWELL, having been called as a witness for the contestant, after being sworn, testified as follows, to wit:

Question. Are you a resident of Darlington County, and were you present at the general election November 7, 1876?—Answer. I am and was.

Q. Do you know anything of arms being sent to the negroes in your neighborhood shortly before the last election?—A. I do; there was a company just above me armed with breech-loading rifles; then different members told me that they got them through Alexander Owens at Timmons ville, to whom they were sent.

Q. Were these arms held after the proclamation of the governor?—A. They were; one member on my plantation has his rifle now; the company marched to Florence with their arms after the proclamation, loaded them under the railroad-shed at Florence, and marched to the stand on the occasion of the republican meeting at that place.

Q. Did the proclamations and the troops have any effect on the negro voters; if so, what?—A. It had the effect of carrying the county for the republicans; it came under my own observation that the colored vote was split; four out of nine on my plantation told me that they would not vote at all, but after the troops came to the county they told me that they would be obliged to vote, as the troops were sent here to compel them to vote the republican ticket.

(Question and answer objected to for that the question calls for an expression of opinion only. The answer embraces both expression and hearsay.)

Q. Were you at a political meeting in Timmons ville in the latter part of August last in company with A. B. Henagan?—A. I was.

Q. Did A. B. Henagan, during the speech of Mr. Whittemore, level or "cock" his gun upon him?—A. He did not.

Q. Were you and Mr. Henagan together during the speech of Mr. Whittemore?—A. We were not five steps apart.

Cross-examined:

Q. You have stated that four out of nine of the colored men on your place had told you previous to the election that they did not propose to vote at all; is it not the fact that you had frequently talked with them and used every argument in your power to induce them to vote the democratic ticket or to refrain from voting at all?—A. I had a good many conversations with them and tried to get them not to vote at all, because if they went to the poll all hell could not keep them from voting the republican ticket after the troops came.

Q. At what poll did you vote, and what poll would the colored men spoken of have voted if they voted at all?—A. At Florence precinct.

Q. Were the United States troops present at that poll during the election, and did they in any way interrupt or interfere with the rights or action of any voter, white or colored?—A. They were within one hundred yards of the poll, and they only interfered by their presence in town.

Q. Did you see or know of any United States soldier talking with any colored man upon political matters, or using any direct influence upon any voter, white or colored?—A. I saw United States soldiers talking to white and black. The subject of conversation I am not able to say.

Q. Is it not within your knowledge that there has been in existence for some two or more years past a company of militia at Timmons ville, composed of men from Timmons ville, Ebenezer, and Florence, and other points in the county, and under the command of Captain Owens, which company was organized according to law, and formed a part of the legal militia of South Carolina?—A. I knew that Captain Owens commanded a company at Timmons ville. It was not composed of men from the surrounding country, outside of the immediate Timmons ville neighborhood. The company at Ebenezer was formed about the 1st of September, 1874, commanded by officers altogether separate from Captain Owens's command.

Q. How do you know this last fact?—A. From members of the company.

(Objected to as hearsay.)

J. C. BLACKWELL.

Sworn to and subscribed before me this 21st day of April, A. D. 1877.

[SEAL.]

Certificate of notary.

STATE OF SOUTH CAROLINA,

Darlington County:

I, William J. Saunders, notary public in and for the State aforesaid, do hereby certify that, in pursuance of the notices duly given and served upon the contestee, through his counsel, on the 14th day of April, A. D. 1877, in the case of John S. Richardson, contesting the seat of Joseph

H. Rainey, returned member of the Forty-fifth Congress, United States of America, the above testimony, consisting of 37 pages, was duly taken in behalf of said contestant, appearing by his counsel, T. G. Dargan, esq., and the said contestee by his attorney, Elihu C. Baker; that the within-named witnesses were duly sworn by me, and testified before me as written, which said testimony was written by me as deposed by said witnesses, and subscribed to by them, and each of them, respectively, as appears by their, and each of their, respective signatures or marks at the end of their, and each of their, depositions. I do further certify that I have prefixed thereto attached notices aforesaid, with proof of service.

In testimony whereof I have hereunto set my hand and official seal, at Florence, this 21st day of April, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

JOHN S. RICHARDSON }
vs. } Contested election, first Congressional district,
JOSEPH H. RAINEY. } South Carolina.

Depositions taken at Timmons ville, S. C., on the 18th of April and seq., 1877, before William J. Saunders, a notary public in and for the State of South Carolina, on the part of the contestant.

For contestant, T. G. Dargan; for contestee, Elihu C. Baker.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Notice to take testimony.

JOHN S. RICHARDSON, CONTESTANT, }
against } Contested election.
JOSEPH H. RAINEY, CONTESTEE. }

STATE OF SOUTH CAROLINA,
First Congressional District:

To JOSEPH RAINEY:

Take notice that the testimony of the following witnesses, in rebuttal, will be taken at Timmons ville, in Darlington County, before W. J. Saunders, notary public, on the 18th April instant, and from day to day thereafter, the testimony to be taken and used on behalf of the contestant in the case stated, the witnesses being residents of the said county, to wit: H. L. Morris, L. R. Ragsdale, J. S. Beck, John McSwein, W. D. Dargan, Waterman Hunter, J. M. Hunter, J. F. Culpepper, Yanty Byrd, George Montgomery, David Smoot, Jesse Leith, Stepney Green, Henry Perry, Manly Woods, William Young, J. N. Garner, J. S. Bristow.

J. G. DARGAN,
Attorney for J. S. Richardson.

APRIL 10, 1877.

Service accepted at Florence, S. C., April 10, 1877.

D. D. McCOLL,
Attorney for J. H. Rainey, Contestee.

TESTIMONY IN REBUTTAL, TAKEN AT TIMMONSVILLE, S. C.

Deposition of Henry L. Morris.

H. L. MORRIS, having been called as a witness for the contestant, after being duly sworn, testified as follows, to wit:

Question. Are you a resident of Darlington County, and were you at Timmons ville on the 7th of November, 1876?—Answer. I am, and was.

Q. What is your occupation?—A. Farmer.

Q. Were you a candidate for office at the last general election?—A. I was. I was on the democratic ticket for the legislature.

Q. Did your business and the fact of your being a candidate bring you into frequent contact with persons of both political parties?—A. It did.

Q. In your opinion, what effect had the proclamations and the presence of troops upon the two political parties?

(Objected to, for the reasons, 1st, calls for an expression of opinion; 2d, that it is not in rebuttal; 3d, that it is cumulative.)

A. My opinion is that it had a depressing effect upon the democratic party, both white and black, and a cheering effect upon the opposite party.

Q. At an early stage of the canvass were the democrats or not confident of carrying the county?—A. That was the feeling of a great many; many many were of a different opinion.

Q. In your opinion, but for the part taken by President Grant and Governor Chamberlain, which party would have carried Darlington County?—A. My opinion is that the democrats would have carried the county by a handsome majority.

(Objected to both the preceding questions and answers, as being an expression of opinion only.)

Q. Were you in the vicinity of the poll on the morning of the 7th of November?—A. I was the first man there, and remained all day.

Q. Hab. Dargan swears that six white police stood at the poll and hindered the republicans from voting. Is this the fact?—A. It is not. If there was a single white policeman on duty at the poll, I didn't know it.

Q. He further says that the democratic rifle clubs were here in uniform, armed with pistols outside of their clothes, and that there were not more than twenty-five white men who were not in uniform. What do you say of this?—A. My recollection is that I did not see a single man with arms outside of his clothes that day, and I don't think there were twenty-five men who were in uniform, and that uniform was a simple campaign red shirt, which was principally worn by negro democratic voters.

Q. He further says that pistols were drawn on a colored man for voting the republican ticket. Did you see that?—A. I did not.

Q. Ben Black swears that you brought a crowd of armed men to the pump in Timmons ville, to enforce your interference with some colored persons who wanted to drink, on election-day. Is this so?—A. It is not so as to election-day, or any other day.

Q. Several witnesses upon the other side have said that twenty-five or thirty colored men were locked up in a hall in Timmons ville, the night before the election, and were marched to the poll about daylight, each colored man between two white democrats, and forced to vote the democratic ticket. What do you say of this?—A. Under a resolution of the democratic club at this place, which resolution was offered by a colored member, it was agreed that the members should meet at the hall and remain there during the night previous to the election. They did so, but subsequently they adjourned, when all the members met at daylight, and did march to the poll in procession. There was no one locked up, nor was there any force used at all.

Q. Is it or not true that colored democrats from other precincts voted

at Timmons ville ?—A. They did. They said they came from the Lydia country.

Q. Is it or not true that numbers of colored men joined the democratic club at this place long before the coming of the troops ?—A. All joined before the coming of the troops. After their coming, two deserted us. A third was kept from voting the democratic ticket by the interference of negro women.

Cross-examination :

Q. How many colored men belonged to the democratic club in Timmons ville ?—A. I believe about sixty or more ; but don't know exactly.

Q. Did they all vote the democratic ticket, with the exceptions you have stated ?—A. They did, so far as I know and was informed.

Q. Do you not know that it is almost the universal practice and custom of the white men of this county on leaving their homes on any public occasion to carry loaded pistols with them ?—A. Many do, and many do not ; but it is not customary.

Q. As to statement of Hab. Dargan, as to whether or not pistols were drawn upon any colored man at the polls on election day, is it not true that you were absent from the polls some time during said day ?—A. I was absent from the polls about thirty minutes for dinner. I was there all the rest of the time. Didn't even go to breakfast.

Q. In your answer, then, did you intend to say any more than that you did not witness any act like that spoken of by Hab. Dargan ?—A. I did not.

Q. You have stated that there were colored people from other precincts, especially from Lydia, as you were informed, who voted the democratic ticket at Timmons ville on the 7th of November last. How many so voted ?—A. There was three or four wagon-loads ; from 7 to 11 in a wagon. They told me that some were from George McCown's and some from B. A. Early's, and I call that the Lydia country.

Q. How many, to your judgment, voted ?—A. I was told there were from 26 to 30.

Q. How many white men who were entitled to vote at this precinct did not vote here ?—A. There were not but about four who did not vote, to the best of my information, and that, I was informed, was from religious motives.

Q. In how many political campaigns have you been engaged previous to the last one ?—A. None at all.

Q. How many times have you voted, or been entitled to vote, at State elections ?—A. Have been entitled to vote since 1868 ; have never voted but once before since my recollection.

Q. You stated in your direct examination that had it not been for the influence of the President of the United States and the governor of South Carolina by their proclamations, in your opinion, the democrats would have carried Darlington County by a handsome majority. Upon what ground do you base that opinion ?—A. First, that the white people of Darlington County had resolved most decidedly and determinately to throw off the bad government they had there ; second, that a great many of the colored men had become disgusted with that government, and had determined by their votes to erect another.

Q. Previous to the election on the 7th of November last, how many colored men in the county of Darlington, to your knowledge, or according to your best information, had expressed a desire to vote the democratic ticket ?—A. To my knowledge, if it had not been for the President's proclamation and the presence of the troops, at least one hun-

dred colored men would have voted the democratic ticket at this precinct alone. I understood that they would have voted heavily at Society Hill and at Leavenworth. As to Society Hill, I received my information from Captain Coker, candidate on the democratic ticket.

Q. On what day did the troops arrive in Darlington County?—A. They arrived here on the 4th of November, Friday night preceding 7th.

Q. What was the date of the proclamations of the President and governor?—A. I don't remember.

Q. How long before the arrival of the troops were those proclamations issued?—A. I don't know.

Q. What was the whole number of votes thrown in Darlington County?—A. Don't know.

Q. What was the whole number of votes thrown by the democratic party?—A. Don't know.

Q. What was the number of votes thrown by the republican party?—A. Don't know.

Q. Previous to the last election, what was the number of white men in Darlington County who were entitled to vote?—A. Don't know.

Q. What was the number of colored men in Darlington county who were entitled to vote?—A. Don't know.

Q. Do you not know that the colored voters of Darlington County were very largely in the majority?—A. They were supposed to be in considerable majority.

(The seven preceding questions are objected to for the reason that the returns are the highest evidence of the facts to which they relate, and said returns are already in evidence.)

Redirect examination :

Q. What was the republican majority in this county at the last election?—A. About 700.

Q. How was the coming of the troops regarded by the two political parties?—A. As a political measure solely.

(Objected to as being an expression of opinion, and as cumulative or intended to supplement and support the previous testimony of the same witness.)

HENRY L. MORRIS.

Sworn to and subscribed before me this 18th day of April, A. D. 1877.
[SEAL.] WM. J. SAUNDERS,

Notary Public.

Deposition of James T. Bristow.

JAMES T. BRISTOW, having been called as a witness for the contestant, after being duly sworn, testified as follows, to wit:

Question. Are you a resident of Darlington County, and were you present at the last general election, 7th November, 1876?—Answer. I am, and was.

Q. Was the introduction of United States troops into the canvass regarded as a political or a non-political measure by both parties?

(Objected to as not in reply, and also as an expression of opinion only.)

A. It was regarded as a political measure.

Q. What effect had their coming upon the two parties?—A. It had a depressing effect upon the democrats, and an encouraging effect upon the republicans. The colored voters were assured by Mr. Whittemore, one of the republican speakers, that they might judge from the troops being here, how President Grant intended them to vote. I heard him

say so myself. I cannot give his exact language, but this was in effect what he said.

Q. Is it or not the fact that Mr. Whittemore had unbounded influence with the colored voters?—A. He had.

Q. Previous to the coming of the troops and previous to the proclamations, were the democrats, or not, sanguine of carrying this county?—A. That was the opinion at this point.

Q. Did the democrats have any other than political organizations?—A. Not to my knowledge.

Q. Did they have any armed organizations?—A. Not as organizations.

Q. Did they contemplate or attempt any resistance to law?—A. No, sir.

Q. Were the republicans organized or not?—A. They had a political organization and also a military company.

Q. Was the bearing of the republicans in the campaign indicative of timidity?—A. Not at all.

Q. Which party in the campaign was aggressive, and which party was patient and forbearing?—A. The democratic party was anxious to meet their speakers, and couldn't do it. Forbearance was the keynote, and we were warned not to get into any collision.

Q. Did you hear any guns fired on the day of election by the democrats?—A. I did not.

Q. Did you see the authority of the United States deputy marshal, Hab Dargan, interfered with any way?—A. I did not.

Q. In what capacity did you act on that day at the polls?—A. I was clerk for the board of managers.

Q. Did you see six white policemen that day at the polls on duty; and, if so, did they deter republicans from voting?—A. I did not see six policemen that day; don't pretend to say that there were none there; saw nobody interfered with.

Q. Did you see, early in the morning, twenty-five or thirty colored men brought up by democrats, and voted by them, contrary to their wishes?—A. No, sir.

Q. On the occasion of the first Timmons ville meeting did the democrats, several hundred strong, in an armed body, surround the stand where the republicans were speaking?—A. No, sir.

Q. Did the democrats, or any of them, stand in front of the republican speakers with their arms in "a shooting position"?—A. I went to the stand where they were speaking. Gordan was just introduced when I got there. I remained until about ten or fifteen minutes of the close of Whittemore's speech, who was their last speaker. I saw no arms, except in the hands of a few colored men.

Q. What time did their meeting adjourn?—A. About an hour by sun.

Q. During the canvass of the vote was there any threat made by democrats present that if the vote was against them they would destroy the box?—A. I heard no such threat.

Cross examination:

Q. You have stated in your direct examination that the bearing of the republican party immediately previous to the last election was not indicative of timidity. Was the bearing of the democratic party at the same time indicative of timidity or fear?—A. The bearing of the colored democrats was indicative of fear.

Q. At what time was this indication of timidity or fear on the part of the colored democrats which you have spoken of exhibited?—A. From the time the troops came here.

Q. When did the troops arrive here?—A. On the Friday night before Tuesday, 7th, the day of election.

Q. Up to that time the democrats had been playing the historical role of Job, the most patient of all men. Was that your meaning in answer to the question in your direct examination relating to the patient bearing of the democrats?—A. They were remarkably quiet.

Q. Did you hear the speech of Mr. Whittemore, in which, as you have said, he referred to the presence of United States troops as indicating the way in which President Grant armed the colored people to vote? If you did hear said speech, please state the language used by Mr. Whittemore on that occasion.—A. I heard the speech. I can't state exact language, but the language was, I think, "You can see how President Grant intends for you to vote," or that in substance.

Q. How many votes were thrown in Darlington County last election?—A. I cannot say.

Q. Do you know about what is the number of legal voters in the county?—A. I cannot say.

Q. Do you know about what is the relative proportion of white and colored voters in this county?—A. The majority claimed by the republicans in the county was about 700.

Q. Can you tell me what was the vote in Timmons ville at last election?—A. I cannot.

Q. Did you not act as clerk of the board of managers during the voting on the 7th of November, and did you not assist in the counting of the votes?—A. Yes.

Q. Is it not the fact, according to the best of your recollection, that the democratic vote at Timmons ville precinct was about 481?—A. I don't remember, but think that was about the number.

Q. Is it not the fact that the republican vote was only about 312 at this precinct?—A. I don't know; I thought we polled here about 800 votes, and the democrats beat the republicans about 200, but I can't be accurate.

Q. What is the relative voting population of Timmons ville, white and colored; which predominates?—A. I think in general elections there has been a colored majority.

(The questions as to the vote polled objected to, the returns being the highest evidence.)

Counsel for the contestee insists that the questions and answers alluded to in the preceding objections are strictly legitimate and admissible as in reply to matters brought up by contestant's counsel.)

Q. How many colored democratic votes were thrown at this poll?—A. My own opinion is about 80 in all.

Q. How many colored voters are there at this poll?—A. About 400.

Q. You said that Mr. Whittemore had unbounded influence over the colored voters; how do you reconcile that statement with the fact that at least 20 per cent. of the colored voters at this precinct voted the democratic ticket after the arrival of United States troops, and after Mr. Whittemore had in a public speech told them that President Grant desired them to vote the republican ticket?—A. Admitting your statement that 20 per cent. of the colored voters voted the democratic ticket after the arrival of the troops, four-fifths having voted as Mr. Whittemore desired shows his influence.

JAMES T. BRISTOW.

Sworn to and subscribed before me, this 18th day of April, A. D. 1877.
[SEAL.] WM. J. SAUNDERS.

Deposition of George Montgomery.

GEORGE MONTGOMERY, having been called as a witness for the contestant, upon being sworn, testified as follows, to wit:

Question. Are you a resident of Darlington County, and were you present at Timmons ville precinct on the 7th of November, 1876?—

Answer. I am, and was.

Q. It has been sworn on the other side that 25 or 30 colored men, of whom you were one, were locked up all the night before the day of election and brought to the poll in a body by the democrats early in the morning and forced to vote that ticket. Is this true?—A. It is not true.

Q. Did you vote that ticket from compulsion?—A. I voted the democratic ticket of my own free will.

Q. Did any of the colored men who voted that way, so far as you know, vote under compulsion?—A. There was not, so far as I know or heard. I conversed with 25 or 30 of them, and they all voted of their own free will.

Q. On the Saturday before the election were you in the democratic procession which went from Timmons ville to Darlington?—A. I was.

Q. When your procession met the republican procession in the outskirts of the town of Timmons ville that evening, did your procession or not ride into and break the ranks of the republicans?—A. We did not, sir.

his
GEORGE + MONTGOMERY.
mark.

Sworn to and subscribed before me this 18th day of April, A. D. 1877.
[SEAL.] WM. J. SAUNDERS.

Deposition of Dr. J. F. Culpepper.

J. F. CULPEPPER, having been called as a witness for the contestant and being duly sworn, testifies as follows, to wit:

Question. Isaac Rafta and Joshua Daniels, the latter on the republican committee, have said that the "joint stand" erected at Timmons ville was consented to by them because the democrats said that they were going to have one half of the time at the republican meeting. As a member of the building committee of the democrats, what do you say of this?—Answer. Isaac Rafta swore to this, you say? I say that the proposition to build the stand jointly came from the republican committee.

Q. Was any objection made on the part of any member of the republican committee?—A. There was not.

Q. It has been said by Hab Dargan that you marched up to the poll early on the morning of the 7th of November in a procession of democrats, each of whom had a colored man upon his arm, and that these colored men were forced to vote contrary to their wishes. Is this true?—A. It is not true. As United States supervisor of election I went to the poll before day alone, before any voters had arrived and before the hour for opening the polls. I also know that no colored man was forced to vote the democratic ticket contrary to his wishes.

Q. It has been said by a witness for Rainey that the democrats discharged fire-arms in the vicinity of the polls at 12 m. on the 7th of November. Is this true?—A. It is not.

Cross-examination:

Q. You say that you were United States supervisor. What did you understand to be your duty and what were your general instructions?

(Objected to, as the duties of the supervisors are prescribed in a printed circular.)

A. I had printed instructions, read them carefully at the time, and did endeavor to conform thereto, but would not like to state them in detail from memory.

Q. As supervisor, were you or not present during the entire day of 7th November at the polls?—A. Yes, sir.

Q. Was there any voter at that poll deprived by bribery, threats, or violence from exercising his right of suffrage?—A. I saw no violence at the polls, but I have heard colored men say that they were afraid to vote the democratic ticket.

(Last part of the answer objected to as not responsive to the answer.)

Q. Did you not understand it to be a part of your duty, as United States supervisor to report for prosecution all violations of the enforcement act?—A. I did, and have already stated that I saw no violence on that day.

Q. Did you ever report any violations of the act?—A. I did not.

J. S. CULPEPER.

Sworn to and subscribed before me this 18th day of April, A. D. 1877.
[SEAL.] WM. J. SAUNDERS.

Deposition of J. S. Beck.

J. S. BECK, having been called as a witness for the contestant, after being duly sworn, testified as follows, to wit:

Question. Is it true that at the first political meeting held here during the last campaign, the democrats in an armed body surrounded the stand where the republicans were holding their meeting?—Answer. No, sir.

Q. Did the democrats or any of them appear before said stand with guns held in a "shooting position"?—A. No, sir; it is not true.

Q. On Saturday, the 4th of November, when the republican and democratic processions met in the town of Timmons ville, is it true that the democrats rode into the republican procession and broke their ranks?—A. It is not.

Q. Did you tell Hab Dargan, United States deputy marshal, on the day of election, that you "would shoot hell out of him"?—A. No, I did not.

Q. Did you on that day, in company with J. F. Culpepper and others, march 25 or 30 colored men up to the polls and force them to vote the democratic ticket?—A. No, sir.

Q. Is it true that at 12 m. on that day the democrats discharged their arms in the vicinity of the polls?—A. There was not a gun fired during the day.

Q. Were you at the poll throughout the day?—A. I was.

Q. Was the authority of the United States deputy marshal interfered with in any way?—A. No, sir; there was no interference with him on that day.

J. S. BECK.

Sworn to and subscribed to before me this 19th day of April, A. D. 1877.
[SEAL.] WM. J. SAUNDERS,

Notary Public.

Deposition of Jesse Keith.

JESSE KEITH, having been called as a witness for the contestant, after being duly sworn, testified as follows, to wit:

Question. As intendant of this town did you need any United States soldiers to assist you in preserving order at the last election?—Answer. I did not.

Q. Was their presence needed to preserve peace between the two political parties?—A. No sir.

(Objected to as not in reply.)

Q. On election-day did the democrats deposit their arms at your store?—A. They did not, nor no one else.

JESSE KEITH.

Sworn to and subscribed to before me this 19th day of April, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of J. M. Hunter.

Dr. J. M. HUNTER, having been called as a witness for the contestant, after being duly sworn, testified as follows, to wit:

Question. Did you say to Deputy United States Marshal Hab Dargan on election-day that you “didn’t care a damn about the marshalship?”—Answer. Didn’t speak to him, or see him to know him.

Q. Was the difficulty spoken of in the testimony for Mr. Rainey between your son Waterman Hunter and a colored man political or personal?—A. It was wholly personal and no politics spoken of. Whisky was at the bottom of it.

JAMES M. HUNTER.

Sworn to and subscribed before me this 19th day of April, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Certificate of notary.

STATE OF SOUTH CAROLINA,

Darlington County:

I, William J. Saunders, notary public in and for the State aforesaid, do hereby certify that in pursuance of the notices duly given and served upon the contestee, through his counsel, on the 10th day of April, A. D. 1877, in the case of John S. Richardson contesting the seat of Joseph H. Rainey, returned member of the Forty-fifth Congress of the United States of America, the above testimony, consisting of thirty-seven pages, was duly taken in behalf of said contestant, appearing by his counsel, T. G. Dargan, esq., and the said contestee by his attorney, Elihu C. Baker, esq.; that the within-named witnesses were duly sworn by me, and testified before me as written, which said testimony was written by me as deposed by said witnesses, and subscribed to by them and each of them respectively, as appears by their and each of their respective signatures or marks at the end of their or each of their respective depositions. I do further certify that I have affixed hereto notices to take testimony, with proof of service.

In testimony whereof I have hereunto set my hand and official seal, at Timmons ville, in the county of Darlington, State of South Carolina, this 19th day of April, A. D. 1877.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

INDEX.

	Page.
Contestant's notice and grounds of contest	1-11
Contestee's answer.....	15-18
Contestee's certificate of election.....	19
General certificate of election.....	19
Certificate of clerk of supreme court of State.....	19-20
Certificate of R. W. Simms, secretary of state.....	20-22
Governor Wade Hampton's indorsement thereon	22
TESTIMONY FOR CONTESTANT	22-250
DEPOSITIONS TAKEN AT SUMTER, S. C.....	22-111
Deposition of Anderson	98-99
Blanding	24-29
Bradley.....	92-93
Bradwell.....	104
Brooks.....	47-49
Brown.....	97-98
Brownfield.....	108-109
Cain, R. B.....	40-42
Cain, W. O.....	97-98
Cooper.....	38-40
Dargan, J. W	76-78
Dargan, J. J.	106-108
Delgar.....	63-64
Durant	84-85
Epperson.....	69-70
Fetter.....	87
Flud.....	73
Foxworth.....	109-110
Green	64-69
Haynemeuth.....	99
Holman.....	56-59
Howell.....	62
Huggins	78-79
Hurst.....	52-54
Jennings.....	99
Jones.....	50-52
Keels, (Keets).....	96-97
Lee	105-106
Mayrant	45-47
McLaurin, M. H.	72-73
McLaurin, H. J.....	81-84
McLeod.....	104-105
Mellet	59-60
Mills.....	54-56
Moise.....	88-90
Moore.....	90-92
Moses.....	37-33
Plowden	71-72
Rembert	73-76
Rhame	94-96
Richardson.....	44-45
Robinson, Isham.....	86-87
Robinson, Roy	60-61
Ross.....	93-94
Ruffin.....	100-101
Shaw	86
Shiver.....	103-104
Singleton.....	102-103
Sudler.....	79-81
Sumter.....	88
Tuomey.....	106

	Page.
TESTIMONY FOR CONTESTANT—Continued.	
DEPOSITIONS TAKEN AT SUMTER, S. C.:	
Wilder.....	30-31
Williams.....	70-71
Wilson.....	102
Young.....	61-62
DEPOSITIONS TAKEN AT GEORGETOWN, S. C.....	141-156
Deposition of Addison.....	130
Allston.....	144-150
Barnwell.....	135-137
Beamer.....	151-154
Bossara.....	140-141
Britton.....	130-131
Collins.....	129-130
Dawley.....	114
Green.....	125-126
Hariat.....	114-116
Howard.....	116-117
Jackson.....	119-121
Johnson.....	131-132
Lawrence.....	141-143
Mazyck.....	132-135
McCusker.....	121-123
McDonald.....	123
Mikel.....	126-127
Rhodes.....	137-139
Smith, D. H.....	124-125
Smith, Henry.....	127-128
Sperry.....	117-119
Wilson.....	154-155
Woodbury.....	143-144
DEPOSITIONS TAKEN AT TIMMONSVILLE, S. C.....	156-171
Deposition of Beck.....	160-162
Byrd, Dr. J. E.....	167
Byrd, Yanty, (colored).....	166
Culpeper.....	157-158
Hunter.....	163-164
Keith.....	167-168
Moore.....	164
Perry.....	165
Ragsdale.....	169
Rollins.....	162-163
Strother, Calvin.....	166-167
Strother, David.....	168-169
DEPOSITIONS TAKEN AT DARLINGTON COURT-HOUSE, S. C.....	171-200
Deposition of Clements.....	196
Dove.....	196-197
Earle.....	193-194
Early, W. F.....	173-174
Early, J. F.....	174-177
Edwards, A. F.....	180-181
Edwards, B. W.....	190-192
Evans.....	195-196
Law.....	185-189
Rogers.....	198
Sanders.....	198-199
Ward.....	182-185
White, J. B.....	177-179
White, A. S.....	194
Wilson.....	192-193
DEPOSITIONS TAKEN AT SOCIETY HILL, DARLINGTON COUNTY, S. C.....	200-212
Deposition of Alston.....	209
Bevil.....	203
Byrd.....	201-202
Corrigan.....	206-209
Coker, W. C.....	201
Coker, E. T.....	202
Evans.....	202-203
Jamison.....	203-204, 209-210
Lucas.....	205-206

TESTIMONY FOR CONTESTANT—Continued.

Page.

DEPOSITIONS TAKEN AT SOCIETY HILL, DARLINGTON COUNTY, S. C.:

Race	204-205
Witherspoon	205

DEPOSITIONS TAKEN AT FLORENCE, S. C. 212-229

Deposition of Allen	227-228
Bacot	228
Chase	213-214
Du Bose	224-225
Gailliard	218-219
Harllee	228-229
Hart	221-222
Jones	217-218
McKenzie	226
Morris	222-224
Nowlin	225-226
Stoll	214-216
Williamson	219-221

DEPOSITIONS TAKEN AT KINGSTREE, S. C. 230-240

Deposition of Barineau	231
Boyd	235-236
Brown	234
Cooper	238-240
Cox	233-234
Eaddy	231-232
Josey	234-235
McCutchen	236-238
Wallace	232-233

DEPOSITIONS TAKEN AT COLUMBIA, S. C. 240-250

Deposition of Conner	242-245
Hampton	248-249
Hayne	245
McMaster	245-247
Moise	241-242
Wallace	247-248
Youmans	249-250

TESTIMONY FOR CONTESTANT IN REBUTTAL 522

DEPOSITIONS IN REBUTTAL AT SUMTER, S. C. 524-630

Deposition of Baker, Andrew	607-608
Baker, C. R. F	588-592
Blanding	582-586
Bradley	609-611
Brunson	602-605
Craig	599
Dargan	524-582, 611
Earle	614-618
Edwards	586-588
Epperson	605
Furman	599-601
Green	595-596
Hurst	618-622
Kelley	627-629
Moise	623-627
Richardson	608-609
Robertson	598-599
Schwerin	592-595, 601-602
Singleton, Jacob D.	596-597
Singleton, Henry	605-607
White	613-614
Wilson	611-613

DEPOSITIONS IN REBUTTAL AT STATEBURG, S. C. 630-636

Deposition of Buckner	635
Burgess	630-632
Ducksaint	633-634
Rees	635-636
Spann	632-633

DEPOSITIONS IN REBUTTAL AT RAFTING CREEK, S. C. 637-646

Deposition of Handcock	640-641
James	640
Osburn	642-643

	Page.
TESTIMONY FOR CONTESTANT IN REBUTTAL—Continued.	
DEPOSITIONS IN REBUTTAL AT RAFTING CREEK, S. C.:	
Rembert.....	641-642
Sanders, Marion.....	644-645
Sanders, Palette A.....	639-640
Sanders, Thomas P.....	637-639
DEPOSITIONS IN REBUTTAL AT MAYESVILLE, S. C.....	646-
Deposition of Bradley.....	655
Cooper.....	650-652
Mayes, J. A.....	646-649
Mayes, F. J.....	654
McKinney.....	656
Mills.....	655-656
Witherspoon.....	652-653
Wilson, J. Harvey.....	653-654
Wilson, S. W.....	649-650
DEPOSITIONS IN REBUTTAL AT LYNCHBURG, S. C.....	657-667
Deposition of Anderson.....	658-659
Boyce.....	660
Durant.....	662-663
Frierson.....	661-662
Hinds.....	657-658, 666
McDonald.....	667
McIntosh.....	667
McLeod.....	663-664
Rhames.....	664-666
Sanders.....	663
Wilson.....	660-661
DEPOSITIONS IN REBUTTAL AT BISHOPVILLE, S. C.....	669-677
Deposition of Cornes, J. A.....	673-674
Cornes, W. B.....	676-677
James.....	674-675
Spencer.....	669-671
Stuckey.....	671-672
DEPOSITIONS IN REBUTTAL AT CARTER'S CROSSING, S. C.....	678-681
Deposition of Barnett.....	678-679
Boone.....	680-681
Martin.....	680
Shaw.....	678
Wesberry.....	679-680
DEPOSITIONS IN REBUTTAL AT PROVIDENCE, S. C.....	682-688
Deposition of Ballard.....	682-683
Folk.....	683-685
Foxworth.....	685
Jackson.....	687-688
Myers.....	686
Watts.....	687
DEPOSITIONS IN REBUTTAL AT CONCORD, S. C.....	689-693
Deposition of Durant.....	691
Moore.....	691-692
Pringle, W. J.....	689-691
Pringle, Thos.....	692
DEPOSITIONS IN REBUTTAL AT DARLINGTON COURT-HOUSE, S. C.....	694-732
Deposition of Boyd.....	727-728
Coker.....	706-707
Dargan, G. W.....	729-732
Dargan, B.....	694-695
Early, J. F.....	728-729
Early, B. A.....	720-721
Edwards.....	697-705, 709-710
Floyd.....	705-706
Jackson.....	696
James.....	726
Jamison.....	707-709
Lacy.....	719-720
Law.....	719-720
McCall.....	718-719
McIver.....	723-726
Spain.....	714-718
Ward.....	721-723
White.....	710-714

Page.

TESTIMONY FOR CONTESTANT IN REBUTTAL—Continued.

DEPOSITIONS IN REBUTTAL AT FLORENCE, S. C. 734-743

Deposition of Allen 735

Blackwell 741-742

Cox 836

Gailliard 737

Gee 734

Gibbes 741

Howe 735-736

Norris 739-740

Pawley 735

DEPOSITIONS IN REBUTTAL AT TIMMONSVILLE, S. C. 743-751

Deposition of Beck 750

Bristow 746-748

Culpepper 749-750

Hunter 751

Keith 751

Morris 743-746

TESTIMONY OF CONTESTEE 251-522

DEPOSITIONS TAKEN AT GEORGETOWN COURT-HOUSE, S. C. 251-324

Deposition of Bowley 290-294

Brunson 307-312

Bush 272-279

Eaddy 259-271

Heriot 313-317

Miller 279-281

Sinclair 294-307

Small 252-259

Verreen 282-286

Webb 287-290

Williams 317-320

DEPOSITIONS TAKEN AT DARLINGTON COURT-HOUSE, S. C. 324-382

Deposition of Aiken 330-334

Deas 337-380

Dargan 352-356

Douglas 366-368

Faulkner 342-344

Gordon 372-374

Hunter 380-381

Keith 344-352

Lang 326-330

Lunney, Robert 362-366

Lunney, John 374-377

McIntosh 356-357

Poole 358-359

Rogers 381-382

Smith, A. S. 334-342

Smith, J. A. 368-372

Weathery 357-358

Wines 359-361

DEPOSITIONS TAKEN AT FLORENCE, S. C. 382-407

Deposition of Block 400-401

Brown 399-400

Daniels 387-389

Deas 396-397

Howe 401

Isiah 394-395

Layton 383-384

McColl 403-407

Moore 389-391, 395

Owens 397-398

Rafra 384-387

Wiggs 395

Williams 391-394

Wilson 398-399

DEPOSITIONS TAKEN AT SUMTER, S. C.:

Deposition of Andrews 477-487, 513-515

Armstrong 516-517

Bethune 452-453

	Page.
TESTIMONY OF CONTESTEE—Continued.	
DEPOSITIONS TAKEN AT SUMTER, S. C.:	
Deposition of Brambert	470-472
Carolina	441
Carter	472
Chavis	509-510
Corbert	505-509
De Lorme	492-495
Dennis	490-491
Dimery	444-446
Douglas	428-431
Ferriter	502-505
Frierson	409-413
Gazman	496
Harris	510-512
Holmes	512-513
Joe	461-462
Johnston, W. E.	422-428
Johnston, Burt	474-476
Johnston, T. B.	496-499, 518-519
Keen	476-477
Keith	515-516
Kendrick	500
Legare	446-451
McCoy	416-418
McDuffer	420-422
Micheaux	500-502
Moore	413-416
Osborn	451-452
Patterson	472-474
Reynolds	489-490
Robinson	441-444
Salters	519-520
Singleton	517-518
Skinner	487-489, 491-492
Smiling	418
Spann	499
Spears, A. G.	463-464
Spears, Butler	464-466
Sumter	520-521
Tindale	455-459
Tuomey	467-470
Walker	460-461
Wiley	492
Williamson	453-454
Wilson, J. C.	438-441
Wilson, Henry	436-437
Witherspoon	431-436
TESTIMONY FOR CONTESTANT IN REBUTTAL	522
DEPOSITIONS IN REBUTTAL AT SUMTER, S. C.	534-630
Deposition of Baker, Andrew	607-608
Baker, C. R. F.	588-592
Blanding	582-586
Bradley	609-611
Brunson	602-605
Craig	599
Dargan	524-582, 611
Earle	614-618
Edwards	586-588
Epperson	605
Furman	599-601
Green	595-596
Hurst	618-622
Kelley	627-629
Moise	623-627
Richardson	608-609
Robertson	598-599
Schwerin	592-595, 601-602

TESTIMONY FOR CONTESTANT IN REBUTTAL—Continued.

DEPOSITIONS TAKEN IN REBUTTAL AT SUMTER, S. C.:

Singleton, Jacob D.....	596-697
Singleton, Henry.....	605-607
White.....	613-614
Wilson.....	611-613

DEPOSITIONS IN REBUTTAL AT STATESBURG, S. C..... 630-636

Deposition of Buckner.....	635
Burgess.....	630-632
Ducksaint.....	633-634
Rees.....	635-636
Spann.....	632-633

DEPOSITIONS IN REBUTTAL AT RAFTING CREEK, S. C..... 637-646

Deposition of Handcock.....	640-641
James.....	640
Osburn.....	642-643
Rembert.....	641-642
Sanders, Marion.....	644-645
Sanders, Palette A.....	639-640
Sanders, Thomas P.....	637-639

DEPOSITIONS IN REBUTTAL AT MAYESVILLE, S. C..... 646

Deposition of Bradley.....	655
Cooper.....	650-652
Mayes, J. A.....	646-649
Mayes, F. J.....	654
McKinney.....	656
Mills.....	655-656
Witherspoon.....	652-653
Wilson, J. Harvey.....	653-654
Wilson, S. W.....	649-650

DEPOSITIONS IN REBUTTAL AT LYNCHBURG, S. C..... 657-667

Deposition of Anderson.....	658-659
Boyce.....	660
Durant.....	662-663
Frierson.....	661-662
Hinds.....	657-658, 666
McDonald.....	667
McIntosh.....	667
McLeod.....	663-664
Rhame.....	664-666
Sanders.....	663
Wilson.....	660-661

DEPOSITIONS IN REBUTTAL AT BISHOPVILLE, S. C..... 669-677

Deposition of Cornes, J. A.....	673-674
Cornes, W. B.....	676-677
James.....	674-675
Spencer.....	669-671
Stuckey.....	671-672

DEPOSITIONS IN REBUTTAL AT CARTER'S CROSSING, S. C..... 678-681

Deposition of Barnett.....	678-679
Boone.....	680-681
Martin.....	680
Shaw.....	678
Wesberry.....	679-680

DEPOSITIONS IN REBUTTAL AT PROVIDENCE, S. C..... 682-688

Deposition of Ballard.....	682-683
Folk.....	683-685
Foxworth.....	685
Jackson.....	687, 688
Myers.....	686
Watts.....	687

DEPOSITIONS IN REBUTTAL AT CONCORD, S. C..... 689-693

Deposition of Durant.....	681
Moore.....	691-692
Pringle, W. J.....	689-691
Pringle, Thos.....	692

DEPOSITIONS IN REBUTTAL AT DARLINGTON COURT-HOUSE, S. C..... 694-732

Deposition of Boyd.....	727-728
Coker.....	706-707

	Page.
TESTIMONY FOR CONTESTANT IN REBUTTAL—Continued.	
DEPOSITIONS IN REBUTTAL AT DARLINGTON COURT-HOUSE, S. C.:	
Deposition of Dargan, G. W.....	729-732
Dargan, B.....	694-695
Early, J. F.....	728-729
Early, B. A.....	720-721
Edwards.....	697-705, 709-710
Floyd.....	705-706
Jackson.....	696
James.....	726
Jamison.....	707-709
Lacy.....	719-720
Law.....	719-720
McCall.....	718-719
McIver.....	723-726
Spain.....	714-718
Ward.....	721-723
White.....	710-714
DEPOSITIONS IN REBUTTAL AT FLORENCE, S. C.....	734-743
Deposition of Allen.....	735
Blackwell.....	741-742
Cox.....	736
Gailliard.....	737
Gee.....	734
Gibbes.....	741
Howe.....	735-736
Norris.....	739-740
Pawley.....	735
DEPOSITION IN REBUTAL AT TIMMONSVILLE, S. C.....	743-751
Deposition of Beck.....	750
Bristow.....	746-748
Culpepper.....	749-750
Hunter.....	751
Keith.....	751
Morris.....	743-746

House documents

Bd.: [299,2.] 1876/77 = Congress 45, Sess. 1

Washington, DC 1877

Am.b. 3040-299,2

urn:nbn:de:bvb:12-bsb11354533-0